The
Library

of
Georgetown
College

Georgetown College Library

ANNALS

OF

THE CONGRESS OF THE UNITED STATES.

TWELFTH CONGRESS.—SECOND SESSION.

Georgetown College Library

THE

DEBATES AND PROCEEDINGS

IN THE

CONGRESS OF THE UNITED STATES;

WITH

AN APPENDIX,

CONTAINING

IMPORTANT STATE PAPERS AND PUBLIC DOCUMENTS,

AND ALL

THE LAWS OF A PUBLIC NATURE;

WITH A COPIOUS INDEX.

TWELFTH CONGRESS—SECOND SESSION.

COMPRISING THE PERIOD FROM NOVEMBER 2, 1812, TO MARCH 3, 1813, INCLUSIVE.

COMPILED FROM AUTHENTIC MATERIALS.

WASHINGTON:

PRINTED AND PUBLISHED BY GALES AND SEATON.

1853.

Georgetown College Library

J
11
.A5
1812-1813
v.2

J
11
.A2
1813
v.2

PROCEEDINGS AND DEBATES

OF

THE SENATE OF THE UNITED STATES,

AT THE SECOND SESSION OF THE TWELFTH CONGRESS, BEGUN AT THE CITY OF WASHINGTON, MONDAY, NOVEMBER 2, 1812.

MONDAY, November 2, 1812.

The second session of the twelfth Congress ommenced this day at the City of Washington, onformably to the act passed at the last session, ntitled "An act fixing the time for the next meet- ng of Congress;" and the Senate assembled in eir Chamber.

PRESENT.

NICHOLAS GILMAN and CHARLES CUTTS, from ew Hampshire.
JOSEPH B. VARNUM, from Massachusetts.
CHAUNCEY GOODRICH, from Connecticut.
JEREMIAH B. HOWELL, from Rhode Island.
JONATHAN ROBINSON, from Vermont.
JOHN LAMBERT, from New Jersey.
MICHAEL LEIB, from Pennsylvania.
OUTERBRIDGE HORSEY, from Delaware.
SAMUEL SMITH, from Maryland.
JESSE FRANKLIN and JAMES TURNER, from orth Carolina.
JOHN GAILLARD, from South Carolina.
WILLIAM H. CRAWFORD and CHARLES TAIT, om Georgia.
GEORGE W. CAMPBELL, from Tennessee.
THOMAS WORTHINGTON and ALEXANDER CAMP- LL, from Ohio.

There being no quorum, the Senate adjourned l to-morrow.

TUESDAY, November 3.

ANDREW GREGG, from the State of Pennsyl- nia, and JOHN TAYLOR, from the State of South arolina, severally attended.

WILLIAM H. CRAWFORD, President *pro tempore*, sumed the Chair.

Ordered, That the Secretary acquaint the ouse of Representatives that a quorum of the nate is assembled and ready to proceed to siness.

A message from the House of Representatives formed the Senate that a quorum of the House assembled and ready to proceed to business. he House have appointed a committee on their rt, jointly, with such committee as may be appointed on the part of the Senate, to wait on the President of the United States and notify him that a quorum of the two Houses is assembled and ready to receive any communication that he may be pleased to make to them.

The Senate concurred in the appointment of a joint committee on their part, agreeably to the resolution last mentioned; and Messrs. GAILLARD, and SMITH, of Maryland, were appointed the committee.

A committee was appointed, agreeably to the 42d rule for conducting business in the Senate. Messrs LEIB, FRANKLIN, and GREGG, are the committee.

Resolved, That each Senator be supplied, during the present session, with three such newspapers printed in any of the States as he may choose, provided that the same be furnished at the usual rate for the annual charge of such papers: and provided, also, that if any Senator shall choose to take any newspapers other than daily papers, he shall be supplied with as many such papers as shall not exceed the price of three daily papers.

Mr. GAILLARD reported, from the joint committee, that they had waited on the President of the United States, and that the President informed the committee that he would make a communication to the two Houses at twelve o'clock to-morrow.

WEDNESDAY, November 4.

OBADIAH GERMAN, from the State of New York, took his seat in the Senate.

On motion, by Mr. LEIB, a committee of three members were appointed, who, with three members of the House of Representatives, to be appointed by the said House, shall have the direction of the money appropriated to the purchase of books and maps for the use of the two Houses of Congress; and Messrs. LEIB, TAIT, and CAMPBELL, of Tennessee, were appointed the committee on the part of the Senate.

Mr. WORTHINGTON submitted the following motion for consideration:

Resolved, That Mountjoy Bayly, Doorkeeper and Sergeant-at-Arms to the Senate, be, and he is hereby,

1143

authorized to employ one assistant and two horses, for the purpose of performing such duties as are usually required by the Doorkeeper of the Senate; and that the sum of twenty-eight dollars be allowed him weekly for that purpose, to commence with and remain during the present session, and for twenty days thereafter.

Mr. GERMAN submitted the following motion for consideration:

Resolved, That two Chaplains, of different denominations, be appointed to Congress during the present session, one by each House, who shall interchange weekly.

On motion, by Mr. GREGG, a committee was appointed agreeably to the 22d rule, for conducting business in the Senate; and Messrs. ROBINSON, HOWELL, and GREGG, were appointed the committee.

PRESIDENT'S ANNUAL MESSAGE.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Fellow-citizens of the Senate and House of Representatives:

On our present meeting, it is my first duty to invite your attention to the providential favors which our country has experienced, in the unusual degree of health dispensed to its inhabitants, and in the rich abundance with which the earth has rewarded the labors bestowed on it. In the successful cultivation of other branches of industry, and in the progress of general improvement favorable to the national prosperity, there is just occasion, also, for our mutual congratulations and thankfulness.

With these blessings are necessarily mingled the pressures and vicissitudes incident to the state of war, into which the United States have been forced by the perseverance of a foreign Power in its system of injustice and aggression.

Previous to its declaration, it was deemed proper, as a measure of precaution and forecast, that a considerable force should be placed in the Michigan Territory, with a general view to its security, and, in the event of war, to such operations in the uppermost Canada as would intercept the hostile influence of Great Britain over the savages, obtain the command of the Lake on which that part of Canada borders, and maintain co-operating relations with such forces as might be most conveniently employed against other parts. Brigadier General Hull was charged with this provisional service; having under his command a body of troops composed of regulars and volunteers from the State of Ohio. Having reached his destination after his knowledge of the war, and possessing discretionary authority to act offensively, he passed into the neighboring territory of the enemy, with a prospect of easy and victorious progress. The expedition, nevertheless, terminated unfortunately, not only in a retreat to the town and fort of Detroit, but in the surrender of both, and of the gallant corps commanded by that officer. The causes of this painful reverse will be investigated by a military tribunal.

A distinguishing feature in the operations which preceded and followed this adverse event, is the use made by the enemy of the merciless savages under their influence. Whilst the benevolent policy of the United States invariably recommended peace and promoted civilization among that wretched portion of the human race; and was making exertions to dissuade them from taking either side in the war, the enemy has not scrupled to call to his aid their ruthless ferocity, armed with the horrors of those instruments of carnage and torture which are known to spare neither age nor sex. In this outrage against the laws of honorable war, and against the feelings sacred to humanity, the British commanders cannot resort to a plea of retaliation; for it is committed in the face of our example. They cannot mitigate it, by calling it a self-defence against men in arms; for it embraces the most shocking butcheries of defenceless families. Nor can it be pretended that they are not answerable for the atrocities perpetrated; since the savages are employed with a knowledge, and even with menaces, that their fury could not be controlled. Such is the spectacle which the deputed authorities of a nation, boasting its religion and morality, have not been restrained from presenting to an enlightened age.

The misfortune at Detroit was not, however, without a consoling effect. It was followed by signal proofs that the national spirit rises according to the pressure on it. The loss of an important post, and of the brave men surrendered with it, inspired everywhere new ardor and determination. In the States and districts least remote, it was no sooner known, than every citizen was ready to fly with his arms, at once, to protect his brethren against the blood-thirsty savages let loose by the enemy on an extensive frontier, and to convert a partial calamity into a source of invigorated efforts. This patriotic zeal, which it was necessary rather to limit than excite, has embodied an ample force from the States of Kentucky and Ohio, and from parts of Pennsylvania and Virginia. It is placed, with the addition of a few regulars, under the command of Brigadier General Harrison, who possesses the entire confidence of his fellow-soldiers, among whom are citizens, some of them volunteers in the ranks, not less distinguished by their political stations, than by their personal merits. The greater portion of this force is proceeding on its destination, towards the Michigan Territory, having succeeded in relieving an important frontier post, and in several incidental operations against hostile tribes of savages, rendered indispensable by the subserviency into which they had been seduced by the enemy; a seduction the more cruel, as it could not fail to impose a necessity of precautionary severities against those who yielded to it.

At a recent date, an attack was made on a post of the enemy near Niagara, by a detachment of the regular and other forces, under the command of Major General Van Rensselaer, of the militia of the State of New York. The attack, it appears, was ordered in compliance with the ardor of the troops, who executed it with distinguished gallantry, and were, for a time, victorious; but not receiving the expected support, they were compelled to yield to reinforcements of British regulars and savages. Our loss has been considerable, and is deeply to be lamented. That of the enemy, less ascertained, will be the more felt, as it includes, among the killed, the Commanding General, who was also Governor of the Province; and was sustained by veteran troops, from inexperienced soldiers, who must daily improve in the duties of the field.

Our expectation of gaining the command of the Lakes, by the invasion of Canada from Detroit, having been disappointed, measures were instantly taken to provide, on them, a naval force superior to that of the enemy. From the talents and activity of the officer charged with this object, everything that can be

done may be expected. Should the present season not admit of complete success, the progress made will insure, for the next, a naval ascendency, where it is essential to our permanent peace with, and control over, the savages.

Among the incidents to the measures of the war, I am constrained to advert to the refusal of the Governors of Massachusetts and Connecticut to furnish the required detachments of militia towards the defence of the maritime frontier. The refusal was founded on a novel and unfortunate exposition of the provisions of the Constitution relating to the militia. The correspondences which will be before you, contain the requisite information on the subject. It is obvious that, if the authority of the United States to call into service and command the militia for the public defence, can be thus frustrated, even in a state of declared war, and, of course, under apprehensions of invasion preceding war, they are not one nation for the purpose most of all requiring it; and that the public safety may have no other resource, than in those large and permanent military establishments which are forbidden by the principles of our free Government, and against the necessity of which the militia were meant to be a Constitutional bulwark.

On the coasts, and on the ocean, the war has been as successful as circumstances inseparable from its early stages could promise. Our public ships and private cruisers, by their activity, and, where there was occasion, by their intrepidity, have made the enemy sensible of the difference between a reciprocity of captures, and the long confinement of them to their side. Our trade, with little exception, has safely reached our ports; having been much favored in it by the course pursued by a squadron of our frigates, under the command of Commodore Rodgers. And in the instance in which skill and bravery were more particularly tried with those of the enemy, the American flag had an auspicious triumph. The frigate Constitution, commanded by Captain Hull, after a close and short engagement, completely disabled and captured a British frigate; gaining for that officer, and all on board, a praise which cannot be too liberally bestowed; not merely for the victory actually achieved, but for that prompt and cool exertion of commanding talents, which, giving to courage its highest character, and to the force applied its full effect, proved that more could have been done in a contest requiring more.

Anxious to abridge the evils from which a state of war cannot be exempt, I lost no time, after it was declared, in conveying to the British Government the terms on which its progress might be arrested, without awaiting the delays of a formal and final pacification; and our Chargé d'Affaires at London was, at the same time, authorized to agree to an armistice founded upon them. These terms required that the Orders in Council should be repealed as they affected the United States, without a revival of blockades violating acknowledged rules; and that there should be an immediate discharge of American seamen from British ships, and a stop to impressment from American ships, with an understanding that an exclusion of the seamen of each nation from the ships of the other should be stipulated; and that the armistice should be improved into a definitive and comprehensive adjustment of depending controversies. Although a repeal of the Orders susceptible of explanations meeting the views of this Government had taken place before this pacific advance was communicated to that of Great Britain, the advance was declined, from an avowed repugnance to a suspension of the practice of impressments during the armistice, and without any intimation that the arrangement proposed, with respect to seamen, would be accepted. Whether the subsequent communications from this Government, affording an occasion for reconsidering the subject, on the part of Great Britain, will be viewed in a more favorable light, or received in a more accommodating spirit, remains to be known. It would be unwise to relax our measures, in any respect, on a presumption of such a result.

The documents from the Department of State, which relate to this subject, will give a view also of the propositions for an armistice, which have been received here, one of them from the authorities at Halifax and in Canada, the other from the British Government itself, through Admiral Warren; and of the grounds on which neither of them could be accepted.

Our affairs with France retain the posture which they held at my last communications to you. Notwithstanding the authorized expectations of an early as well as favorable issue to the discussions on foot, these have been procrastinated to the latest date. The only intervening occurrence meriting attention, is the promulgation of a French decree purporting to be a definitive repeal of the Berlin and Milan decrees. This proceeding, although made the ground of the repeal of the British Orders in Council, is rendered, by the time and manner of it, liable to many objections.

The final communications from our special Minister to Denmark, afford further proofs of the good effects of his mission, and of the amicable disposition of the Danish Government. From Russia, we have the satisfaction to receive assurances of continued friendship, and that it will not be affected by the rupture between the United States and Great Britain. Sweden also professes sentiments favorable to the subsisting harmony.

With the Barbary Powers, excepting that of Algiers, our affairs remain on the ordinary footing. The Consul General, residing with that Regency, has suddenly, and without cause, been banished, together with all the American citizens found there. Whether this was the transitory effect of capricious despotism, or the first act of predetermined hostility, is not ascertained. Precautions were taken by the Consul on the latter supposition.

The Indian tribes, not under foreign instigations, remain at peace, and receive the civilizing attentions which have proved so beneficial to them.

With a view to that vigorous prosecution of the war, to which our national faculties are adequate, the attention of Congress will be particularly drawn to the insufficiency of existing provisions for filling up the Military Establishment. Such is the happy condition of our country, arising from the facility of subsistence and the high wages for every species of occupation, that, notwithstanding the augmented inducements provided at the last session, a partial success only has attended the recruiting service. The deficiency has been necessarily supplied during the campaign by other than regular troops, with all the inconveniences and expense incident to them. The remedy lies in establishing, more favorably for the private soldier, the proportion between his recompense and the term of his enlistment. And it is a subject which cannot too soon or too seriously be taken into consideration.

The same insufficiency has been experienced in the provisions for volunteers made by an act of the last

E 11 4 3
Georgetown College Library

session. The recompense for the service required in this case is still less attractive than in the other And although patriotism alone has sent into the field some valuable corps of that description, those alone who can afford the sacrifice can be reasonably expected to yield to that impulse.

It will merit consideration, also, whether, as auxiliary to the security of our frontiers, corps may not be advantageously organized, with a restriction of their services to particular districts convenient to them. And whether the local and occasional services of mariners and others in the seaport towns, under a similar organization, would not be a provident addition to the means of their defence.

I recommend a provision for an increase of the general officers of the Army, the deficiency of which has been illustrated by the number and distance of separate commands, which the course of the war and the advantage of the service have required.

And I cannot press too strongly on the earliest attention of the Legislature, the importance of the reorganization of the staff establishment, with a view to render more distinct and definite the relations and responsibilities of its several departments. That there is room for improvements which will materially promote both economy and success, in what appertains to the Army and the war, is equally inculcated by the examples of other countries, and by the experience of our own.

A revision of the militia laws for the purpose of rendering them more systematic, and better adapting them to the emergencies of the war, is, at this time, particularly desirable.

Of the additional ships authorized to be fitted for service, two will be shortly ready to sail; a third is under repair, and delay will be avoided in the repair of the residue. Of the appropriations for the purchase of materials for ship building, the greater part has been applied to that object, and the purchase will be continued with the balance.

The enterprising spirit which has characterized our naval force, and its success, both in restraining insults and depredations on our coasts, and in reprisals on the enemy, will not fail to recommend an enlargement of it.

There being reason to believe that the act prohibiting the acceptance of British licenses is not a sufficient guard against the use of them for purposes favorable to the interests and views of the enemy, further provisions on that subject are highly important. Nor is it less so, that penal enactments should be provided for cases of corrupt and perfidious intercourse with the enemy, not amounting to treason, nor yet embraced by any statutary provisions.

A considerable number of American vessels which were in England when the revocation of the Orders in Council took place, were laden with British manufactures, under an erroneous impression that the non-importation act would immediately cease to operate, and have arrived in the United States. It did not appear proper to exercise, on unforeseen cases of such magnitude, the ordinary powers vested in the Treasury Department to mitigate forfeitures, without previously affording to Congress an opportunity of making on the subject such provisions as they may think proper. In their decision, they will doubtless equally consult what is due to equitable considerations and to the public interest.

The receipts into the Treasury during the year ending on the 30th of September last, have exceeded sixteen millions and a half of dollars; which have been sufficient to defray all the demands on the Treasury to that day, including a necessary reimbursement of near three millions of the principal of the public debt. In these receipts is included a sum of near five millions eight hundred and fifty thousand dollars, received on account of the loans authorized by the acts of the last session: the whole sum actually obtained on loan amounts to eleven millions of dollars, the residue of which, being receivable subsequent to the 30th of September last, will, together with the current revenue, enable us to defray all the expenses of this year.

The duties on the late unexpected importations of British manufactures will render the revenue of the ensuing year more productive than could have been anticipated.

The situation of our country, fellow-citizens, is not without its difficulties; though it abounds in animating considerations, of which the view here presented of our pecuniary resources is an example. With more than one nation we have serious and unsettled controversies; and with one, powerful in the means and habits of war, we are at war. The spirit and strength of the nation are nevertheless equal to the support of all its rights, and to carry it through all its trials. They can be met in that confidence. Above all, we have the inestimable consolation of knowing that the war in which we are actually engaged, is a war neither of ambition nor of vain glory; that it is waged, not in violation of the rights of others, but in the maintenance of our own; that it was preceded by a patience without example, under wrongs accumulating without end: and that is was finally not declared until every hope of averting it was extinguished, by the transfer of the British sceptre into new hands clinging to former councils; and until declarations were reiterated to the last hour, through the British Envoy here, that the hostile edicts against our commercial rights and our maritime independence would not be revoked; nay, that they could not be revoked without violating the obligations of Great Britain to other Powers, as well as to her own interests. To have shrunk, under such circumstances, from manly resistance, would have been a degradation blasting our best and proudest hopes; it would have struck us from the high rank where the virtuous struggles of our fathers had placed us, and have betrayed the magnificent legacy which we hold in trust for future generations. It would have acknowledged, that, on the element which forms three-fourths of the globe we inhabit, and where all independent nations have equal and common rights, the American people were not an independent people, but colonists and vassals. It was at this moment, and with such an alternative, that war was chosen. The nation felt the necessity of it, and called for it. The appeal was accordingly made, in a just cause, to the just and all powerful Being who holds in his hand the chain of events, and the destiny of nations. It remains only, that, faithful to ourselves, entangled in no connexions with the views of other Powers, and ever ready to accept peace from the hand of justice, we prosecute the war with united counsels and with the ample faculties of the nation, until peace be so obtained, and as the only means, under the Divine blessing, of speedily obtaining it. JAMES MADISON.

WASHINGTON, *November* 4, 1812.

The Message and documents were read, and twelve hundred and fifty copies ordered to be printed for the use of the Senate.

THURSDAY, November 5.

The resolution authorizing Mountjoy Bayly, Doorkeeper and Sergeant-at-Arms to the Senate, to employ one assistant and two horses, was read the second time; and, having been amended, was read a third time, and passed.

The resolution for the appointment of Chaplains was read the second and third time by unanimous consent, and passed.

FRIDAY, November 6.

Mr. CAMPBELL, of Tennessee, submitted the following motions for consideration:

Resolved, That so much of the Message of the President of the United States as concerns our relations with foreign Powers, the Military Establishment of the United States, and volunteers, be referred to a select committee, with leave to report thereon by bill or otherwise.

Resolved, That so much of the Message of the President of the United States as relates to the Naval Establishment of the United States, be referred to a select committee, with leave to report thereon by bill or otherwise.

Resolved, That so much of the Message of the President of the United States as relates to American vessels, which have arrived in the United States laden with British manufactures, be referred to a select committee, with leave to report thereon by bill or otherwise.

Resolved, That so much of the Message of the President of the United States as relates to a revision of the militia laws of the United States, be referred to a select committee, with leave to report thereon by bill or otherwise.

The resolution authorizing Mountjoy Bayly to employ one assistant and two horses, was read a third time, and passed.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of Representatives of the United States:

The bill, entitled "An act supplementary to the acts heretofore passed on the subject of an uniform rule of naturalization," which passed the two Houses at the last session of Congress, having appeared to me liable to abuse by aliens having no real purpose of effectuating a naturalization, and therefore not been signed; and having been presented at an hour too near the close of the session to be returned with objections for reconsideration, the bill failed to become a law. I also recommend that provision be now made in favor of aliens entitled to the contemplated benefit, under such regulations as will prevent advantage being taken of it for improper purposes. J. MADISON.

NOVEMBER 5, 1812.

The following Message was also received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of Representatives of the United States:

I transmit to Congress copies of the correspondence between the Department of War and the Governors of Massachusetts and Connecticut, referred to in my Message of the 4th instant.

JAMES MADISON.

NOVEMBER 6, 1812.

The Senate proceeded to the appointment of a Chaplain on their part, and the Rev. JOHN BRACKENRIDGE was unanimously elected.

MONDAY, November 9.

WILLIAM B. GILES, from the State of Virginia, and JOHN SMITH, from the State of New York, severally attended on the seventh instant, and JOHN CONDIT, of the State of New Jersey, on the eighth.

The Senate resumed the consideration of the motion of the 6th instant, "That so much of the Message of the President of the United Stptes as concerns our relations with foreign Powers, the Military Establishment of the United States, and volunteers, be referred to a select committee with leave to report thereon by bill or otherwise;" and having agreed thereto, Messrs. FRANKLIN, CAMPBELL, of Tennessee, TAYLOR, VARNUM, HOWELL, ROBINSON, and WORTHINGTON, were appointed the committee.

The Senate resumed the consideration of the following motion: "That so much of the Message of the President of the United States as relates to the Naval Establishment of the United States, be referred to a select committee, with leave to report thereon by bill or otherwise;" and having agreed thereto, Messrs. SMITH, of Maryland, GREGG, TAIT, CUTTS, and LLOYD, were appointed the committee.

The Senate resumed the consideration of the motion submitted on the sixth instant, "That so much of the Message of the President of the United States as relates to American vessels which have arrived in the United States laden with British manufactures, be referred to a select committee, with leave to report thereon by bill or otherwise;" and having agreed thereto, Messrs. GAILLARD, GOODRICH, CAMPBELL, of Ohio, GILES, and ROBINSON, were appointed the committee.

The Senate also resumed the consideration of the motion of the sixth instant, "That so much of the Message of the President of the United States as relates to the revision of the militia laws of the United States, be referred to a select committee, with leave to report thereon by bill or otherwise;" and having agreed thereto, Messrs. VARNUM, SMITH, of New York, WORTHINGTON, GOODRICH, and SMITH, of Maryland, were appointed the committee.

Mr. CAMPBELL, of Ohio, asked and obtained leave to bring in a bill "to authorize the transportation of a certain Message of the President of the United States, and documents accompanying the same;" and the bill was twice read by consent, and ordered to be engrossed, and read a third time.

TUESDAY, November 10.

The bill to authorize the transportation of a certain Message of the President of the United States and documents accompanying the same, was read a third time, and passed.

On motion, by Mr. SMITH, of Maryland, the

Message of the President of the United States of the 6th of July, 1812, and documents accompanying the same, was referred to the committee to whom was referred, the 9th instant, so much of the Message of the President of the United States, of the fourth instant, as concerns our relations with foreign Powers.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to authorize the transportation of certain documents free of postage," in which bill they request the concurrence of the Senate.

The bill last mentioned was three times read by consent, and passed.

On motion, by Mr. FRANKLIN, the bill which originated in the Senate to authorize the transportation of a certain Message of the President of the United States, and documents accompanying the same, was reconsidered, and postponed to the 4th day of March next.

WEDNESDAY, November 11.

On motion, by Mr. VARNUM, the Message of the President of the United States of the 6th instant, and documents accompanying the same, was referred to the committee who have under consideration so much of the Message of the President of the United States, of the 4th instant, as relates to a revision of the militia laws of the United States.

THURSDAY, November 12.

PHILIP REED, from the State of Maryland, took his seat in the Senate.

Mr. CAMPBELL, of Ohio, reported, from the committee, that they had examined and found duly enrolled the bill, entitled "An act to authorize the transportation of certain documents free of postage."

FRIDAY, November 13.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of
Representatives of the United States:

For the further information of Congress relative to the pacific advances made on the part of this Government to that of Great Britain, and the manner in which they have been met by the latter, I transmit the sequel of the communications on that subject, received from the late Chargé d'Affaires at London.

JAMES MADISON.

NOVEMBER 12, 1812.

The Message and documents were referred to the Committee on Foreign Relations, and twelve hundred and fifty copies ordered to be printed for the use of the Senate.

MONDAY, November 16.

Mr. ANDERSON, from the State of Tennessee, took his seat in the Senate.

Mr. LEIB presented the memorial of sundry merchants of the city of Philadelphia, stating that, in consequence of the revocation of the British Orders in Council, and the belief that the non-importation act would thereupon cease to be in force, their correspondents in England shipped merchandise to a large amount to the United States; which, having been seized by the officers of the customs as forfeited, was delivered to the claimants on their giving bond for the value thereof, and the duties thereon; and praying that these bonds may be cancelled, for reasons stated at large in the memorial; which was read, and referred.

TUESDAY, November 17.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act further to prolong the continuance of the mint at Philadelphia;" in which bill they request the concurrence of the Senate.

The bill last mentioned was read, and passed to the second reading.

WEDNESDAY, November 18.

ALLAN B. MAGRUDER, appointed a Senator by the Legislature of the State of Louisiana, (and who arrived on the 15th,) produced his credentials, was qualified, and he took his seat in the Senate.

WILLIAM HUNTER, from the State of Rhode Island and Providence Plantations, and JAMES LLOYD, from the State of Massachusetts, severally took their seats in the Senate.

The PRESIDENT communicated the report of the Secretary of the Navy on the expenditures and applications of moneys drawn from the Treasury from the first of October, 1811, to the 30th of September, 1812, inclusive, made in obedience to the first section of the act passed March 3, 1812, entitled "An act to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments;" and the report was read, and referred.

Mr. LLOYD presented the petition of a large number of merchants of Boston, who have received goods from Great Britain subsequent to the revocation of the Orders in Council, praying an exemption from the provisions of the act prohibiting importations from Great Britain, her colonies, or dependencies; and the petition was read, and referred.

Mr. LLOYD presented the petition of Bordman and Pope, of Boston, and others, praying that a cargo of goods imported by them from India, purchased in India prior to a knowledge of the prohibition of importations from Great Britain and her colonies, and imported in a vessel which sailed from the United States antecedently to the passage of the law, which property is now in the custody of the Government, may be restored to them, on securing the duties which have accrued thereon; and the petition was read, and referred to a select committee, to consider and report thereon, by bill or otherwise, and Messrs. LLOYD,

TAYLOR, and TAIT, were appointed the committee.

The bill entitled "An act further to prolong the continuance of the mint at Philadelphia," was read the second time, and passed to the third reading.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of Representatives of the United States:

I transmit to Congress copies of a communication from Mr. Russell to the Secretary of State. It is connected with the correspondence accompanying my Message of the 12th instant, but had not, at that date, been received. JAMES MADISON.

NOVEMBER 18, 1812.

The Message and documents were referred to the committee who have under consideration so much of the Message of the President of the United States, of the 4th instant, "as concerns our relations with foreign Powers;" and twelve hundred and fifty copies ordered to be printed for the use of the Senate.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of Representatives of the United States:

I transmit to Congress copies of a letter from the Consul General of the United States to Algiers, stating the circumstances preceding and attending his departure from that Regency. JAMES MADISON.

NOVEMBER 17, 1812.

Mr. CAMPBELL, of Tennessee, reported the following bill, which was read, and passed to a second reading:

A Bill supplementary to the several acts now in force relative to the Military Establishment of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That, from and after the passage of this act, the monthly pay of the non-commissioned officers, musicians, artificers, and privates, in the present Military Establishment of the United States shall be as follows:

To each sergeant major and quartermaster sergeant, twelve dollars.

To each principal musician, eleven dollars.

To each sergeant, eleven dollars.

To each corporal, nine dollars.

To each artificer, saddler, farrier, and blacksmith, not attached to the Quartermaster's Department, twelve dollars.

To each musician, nine dollars.

To each bombardier, sapper, miner, and private, eight dollars.

And be it further enacted, That every non-commissioned officer, musician, and private, who shall, after the promulgation of this act, be recruited in the regular Army of the United States, may, at his option, to be made at the time of enlistment, engage to serve during the present war with Great Britain, instead of the term of five years: and shall, in case he makes such option, be entitled to the same bounty in money and and, and to all other allowances; and be subject to he same rules and regulations, as if he had enlisted for he term of five years.

THURSDAY, November 19.

The bill entitled "An act further to prolong the continuance of the Mint at Philadelphia," was read the third time, and passed.

The bill supplementary to the several acts now in force relative to the Military Establishment of the United States, was read the second time.

FRIDAY, November 20.

STEPHEN R. BRADLEY, from the State of Vermont, took his seat in the Senate.

The bill supplementary to the several acts now in force relative to the Military Establishment of the United States, was resumed as in Committee of the Whole; and the further consideration thereof postponed to Monday next.

MONDAY, November 23.

JOHN POPE, from the State of Kentucky, took his seat in the Senate.

Mr. TAIT presented the petition of sundry merchants of the city of Savannah, in the State of Georgia, who have received goods from Great Britain subsequent to the revocation of the Orders in Council, which have been seized under the provisions of the act prohibiting importations from Great Britain, her colonies, or dependencies, praying relief; and the petition was read, and referred.

Mr. SMITH, of Maryland, presented the memorial of sundry citizens of Baltimore, merchants and owners of private armed commissioned vessels of war, complaining of various grievances under the present regulations, and praying relief; and the memorial was read, and ordered to be printed.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act in addition to the act concerning letters of marque, prizes, and prize goods;" also, a bill, entitled "An act concerning the pay of non-commissioned officers, musicians, privates, and others, of the army, and for other purposes;" in which bills they request the concurrence of the Senate.

The two bills last mentioned were read, and passed to the second reading.

The Senate resumed, as in Committee of the Whole, the bill supplementary to the several acts now in force relative to the Military Establishment of the United States; and, on motion, the consideration thereof was further postponed.

TUESDAY, November 24.

The bill, entitled "An act in addition to the act concerning letters of marque, prizes, and prize goods," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. SMITH, of Maryland, LLOYD, and GILMAN, were appointed the committee.

On motion, by Mr. SMITH, of Maryland, the memorial of the citizens of Baltimore, owners of private armed commissioned vessels of war, was

referred to the committee last mentioned, to consider and report thereon.

Mr. GAILLARD presented the petition of David Lamb, merchant, of Charleston, South Carolina, stating that he has received goods from Great Britain subsequent to the revocation of the Orders in Council, which have been seized under the provisions of the act prohibiting importations from Great Britain, her colonies, or dependencies, and praying relief; and the petition was read, and referred.

The bill from the House of Representatives, entitled "An act concerning the pay of the non-commissioned officers, musicians, privates, and others, of the army, and for other purposes," was read the second time, and referred to the committee who have under consideration "so much of the Message of the President of the United States, of the 4th instant, as concerns our relations with foreign Powers," to consider and report thereon.

Mr. TAYLOR submitted the following motion for consideration:

Resolved, That the Senate proceed to ascertain the classes in which the Senators of the State of Louisiana should be inserted, as the Constitution and rule heretofore prescribe.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to enable the people of the Mississippi Territory to form a constitution and State government, and for the admission of such Territory into the Union on an equal footing with the original States;" also, a bill, entitled "An act making an appropriation to defray the expenses incurred, or to be incurred, under an act, entitled "An act to authorize a detachment from the militia of the United States;" in which bills they request the concurrence of the Senate.

The two bills last mentioned were read, and passed to the second reading.

WEDNESDAY, November 25.

The bill, entitled "An act making an appropriation to defray the expenses incurred, or to be incurred, under an act, entitled 'An act to authorize a detachment from the militia of the United States," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. FRANKLIN, VARNUM, and CAMPBELL, of Tennessee, were appointed the committee.

The bill, entitled "An act to enable the people of the Mississippi Territory to form a constitution and State government, and for the admission of such Territory into the Union on an equal footing with the original States," was read the second time, and referred to a select committee, to consist of five members, to consider and report thereon; and Messrs. ANDERSON, BRADLEY, GERMAN, GREGG, and LLOYD, were appointed the committee.

Mr. CAMPBELL, of Tennessee, from the committee to whom was referred the bill from the House of Representatives, entitled "An act concerning the pay of non-commissioned officers musicians, privates, and others of the army, and for other purposes," reported it with amendments; which were read for consideration.

THURSDAY, November 26.

RICHARD BRENT, from the State of Virginia, attended; and there being no quorum present the Senate adjourned.

FRIDAY, November 27.

The Senate resumed the consideration of the motion submitted the 24th instant, that they proceed to ascertain the classes in which the Senators of the State of Louisiana should be inserted, as the Constitution and rule heretofore prescribe; and, having agreed thereto,

On motion, by Mr. TAYLOR,

Ordered, That the Secretary roll up, and put into the ballot box, two lots, No. 1 and No. 3; that the Senator for whom lot No. 1 shall be drawn, shall be inserted in the class of Senators whose terms of service expire on the third day of March next; and the Senator for whom lot No. 3 shall be drawn, shall be inserted in the class of Senators whose terms of service expire four years after the third day of March next.

Whereupon, the numbers above-mentioned were by the Secretary rolled up and put into the box, and No. 1 was drawn for ALLAN B. MAGRUDER, who is accordingly in the class of Senators whose terms of service will expire on the third day of March next; and No. 3 was drawn for THOMAS POSEY, who is accordingly in the class of Senators whose terms of service will expire in four years after the third day of March next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill from the House of Representatives, entitled "An act concerning the pay of the non-commissioned officers, musicians, privates, and others, of the army, and for other purposes," together with the amendments reported thereto by the select committee; and, on the question, to strike out the third section of the bill, as follows:

"That, during the said war, every person above the age of eighteen years, who shall be enlisted by any officer, shall be held in the service of the United States during the period of such enlistment; anything in any act to the contrary notwithstanding:"

It was determined in the affirmative—yeas 26, nays 4, as follows:

YEAS—Messrs. Anderson, Bradley, Campbell, of Ohio, Campbell of Tennessee, Condict, Cutts, Franklin, Gaillard, German, Gilman, Goodrich, Gregg, Horsey, Howell, Hunter, Lambert, Leib, Lloyd, Magruder, Pope, Reed, Smith of Maryland, Smith of New York, Taylor, Turner, and Worthington.

NAYS—Messrs. Crawford, Robinson, Tait and Varnum.

And having agreed to all the other amendments reported by the select committee, with an amendment, on motion, the further consideration of the bill was postponed to Monday next.

MONDAY, November 30.

GEORGE M. BIBB, from the State of Kentucky, arrived on the 29th, and attended this day.

Mr. FRANKLIN, from the committee to whom was referred the bill, entitled "An act making an appropriation to defray the expenses incurred, or to be incurred, under an act, entitled 'An act to authorize a detachment from the militia of the United States,'" reported it without amendment.

Mr. SMITH, of Maryland, from the committee appointed to consider the subject, reported a bill to increase the Navy of the United States; which was read, and passed to the second reading.

Mr. GAILLARD presented the petition of John Potter, merchant, of Charleston, South Carolina; also, the petition of sundry other merchants of the same place, stating that they have received goods from Great Britain subsequent to the revocation of the Orders in Council, which have been seized under the provisions of the act prohibiting importations from Great Britain, her colonies, or dependencies, and praying relief; and the petitions were read, and referred.

Mr. SMITH, of Maryland, from the committee to whom was referred the bill, entitled "An act in addition to the act concerning letters of marque, prizes, and prize goods," reported it without amendments.

Mr. WORTHINGTON submitted the following motion for consideration:

Resolved, That a committee be appointed to inquire if any, and what, further provisions or alterations are necessary for the disposition of the public lands of the United States; and that they have leave to report by bill, or otherwise.

The Senate resumed, as in Committee of the Whole, the consideration of the bill from the House of Representatives, entitled "An act concerning the pay of the non-commissioned officers, musicians, privates, and others, of the Army, and for other purposes." And the bill having been amended, the President reported it to the House accordingly; and on the question, Shall this bill be read a third time as amended? it was determined in the affirmative.

Mr. FRANKLIN submitted the following motion for consideration:

"That the Sergeant-at-Arms and Doorkeeper of the Senate be, and he is hereby, directed to take into his possession (subject to the future orders of the Senate) such materials and furniture belonging to the Senate Chamber, and the north wing of the Capitol, as remain on hand; and that he deliver an inventory thereof to the Secretary of the Senate to be filed in his office."

TUESDAY, December 1.

The amendments to the bill, entitled "An act concerning the pay of non-commissioned officers, musicians, privates, and others, of the Army, and for other purposes," having been reported by the committee correctly engrossed, the bill was read a third time; and on the question, Shall this bill pass as amended? it was determined in the affirmative—yeas 19, nays 4, as follows:

YEAS—Messrs. Anderson, Campbell of Ohio, Campbell of Tennessee, Crawford, Cutts, Franklin, Giles, Gilman, Gregg, Horsey, Howell, Leib, Magruder, Robinson, Smith of Maryland, Smith of New York, Tait, Turner, and Worthington.

NAYS—Messrs. Goodrich, Hunter, Lambert, and Lloyd.

So it was resolved that this bill do pass with amendments; and, on motion by Mr. CAMPBELL of Tennessee, the title was amended to read as follows: "An act supplementary to the several acts now in force relative to the Military Establishment of the United States."

The bill to increase the Navy of the United States was read the second time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act making an appropriation to defray the expenses incurred, or to be incurred, under an act, entitled "An act to authorize a detachment from the militia of the United States."

WEDNESDAY, December 2.

The Senate resumed the consideration of the motion made on the 30th November, and resolved that a committee be appointed to inquire if any, and what, further provisions or alterations are necessary for the disposition of the public lands of the United States, and that they have leave to report by bill or otherwise.

Messrs. MAGRUDER, WORTHINGTON, FRANKLIN, GREGG, and ANDERSON, were appointed the committee.

Mr. MAGRUDER presented a representation of the Legislature of the State of Louisiana, on the subject of land titles, and complaining of the conduct and decisions of the Commissioners of the Land Office of the late Territory of Orleans; and praying the interposition of Congress; which was read, and referred to the committee last mentioned, to consider and report thereon.

The Senate resumed the consideration of the motion of the 30th November; and resolved that the Sergeant-at-Arms and Doorkeeper of the Senate be, and he is hereby, directed to take into his possession (subject to the future orders of the Senate) such materials and furniture belonging to the Senate Chamber, and the north wing of the Capitol, as remain on hand; and that he deliver an inventory thereof to the Secretary of the Senate, to be filed in his office.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act making an appropriation to defray expenses incurred, or to be incurred, under an act, entitled 'An act to authorize a detachment from the militia of the United States;'" and the bill having been amended, the President reported it to the Senate accordingly; and on the question, Shall this bill be read a third time as amended? it was determined in the affirmative.

THURSDAY, December 3.

The amendments to the bill, entitled "An act, making an appropriation to defray expenses incurred, or to be incurred, under an act, entitled

'An act to authorize a detachment from the militia of the United States," having been reported by the committee correctly engrossed, the bill was read a third time, and passed.

On motion, by Mr. CAMPBELL, of Tennessee, it was agreed to amend the title.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to increase the Navy of the United States; and Mr. BRADLEY was requested to take the Chair; and, after debate, the President resumed the Chair; and, on motion, it was agreed that the further consideration of the bill be postponed to Monday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act in addition to the act concerning letters of marque, prizes, and prize goods," together with the amendments reported thereto by the select committee; and Mr. FRANKLIN was requested to take the Chair; and, after debate, the President resumed the Chair, and Mr. FRANKLIN reported that the Committee of the Whole had agreed to amend the bill; and, on motion by Mr. ANDERSON, the bill, together with the amendments agreed to, were recommitted to a select committee, to consist of five members, further to consider and report thereon; and Messrs. ANDERSON, SMITH, of Maryland, LLOYD, CAMPBELL, of Tennessee, and TAYLOR, were appointed the committee.

Ordered, That the Message of the President of the United States, transmitting copies of a letter from the Consul General of the United States to Algiers, stating the circumstances preceding and attending his departure from that Regency, be referred to the committee who have under consideration "so much of the Message of the President of the United States, of the 4th November, as concerns our relations with foreign Powers," to consider and report thereon.

FRIDAY, December 4.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act concerning the district and territorial judges of the United States;" a bill, entitled "An act to incorporate a fire insurance company in the town of Alexandria, in the District of Columbia;" also, a bill, entitled "An act altering the time and place for holding the circuit and district courts in Vermont;" in which bills they request the concurrence of the Senate. They agree to the amendments of the Senate to the bill, entitled "An act concerning the pay of non-commissioned officers, musicians, privates, and others, of the Army, and for other purposes," with amendments to their amendments; in which they request the concurrence of the Senate.

On motion, the Senate proceeded to consider the amendments of the House of Representatives to their amendments to the bill last mentioned; and concurred therein.

The three bills last brought up for concurrence were read, and passed to the second reading.

MONDAY, December 7.

THOMAS POSEY, appointed a Senator, by the Governor of the State of Louisiana, in place of John Destrahan, resigned, produced his credentials, was qualified, and then took his seat in the Senate.

Mr. GILES, from the committee appointed on the subject, reported a bill directing the Secretary of the Treasury to remit fines, forfeitures, and penalties, in certain cases; and the bill was read, and passed to the second reading.

The PRESIDENT laid before the Senate the report of the Secretary for the Department of the Treasury, prepared in obedience to the act, entitled "An act to establish the Treasury Department;" which, together with the accompanying documents, was read, and ordered to be printed for the use of the Senate.

The bill, entitled "An act altering the time and place for holding the circuit and district courts in Vermont," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. BRADLEY, GERMAN, and GOODRICH, were appointed the committee.

The bill, entitled "An act concerning the district and territorial judges of the United States," was read the second time.

The bill, entitled "An act to incorporate a fire insurance company in the town of Alexandria, in the District of Columbia," was read the second time.

On motion, by Mr. SMITH, of Maryland, the consideration of the bill to increase the Navy of the United States was further postponed.

Mr. MAGRUDER submitted the following motion for consideration:

Resolved, That a committee be appointed to inquire if any, and what, compensation should be allowed to Lewis Chacherie, for his services as translator of the French and Spanish languages to the Board of Land Commissioners, for the western land district in the State of Louisiana; and that they have leave to report by bill or otherwise.

TUESDAY, December 8.

The bill directing the Secretary of the Treasury to remit fines, forfeitures, and penalties, in certain cases, was read the second time, and made the order of the day for to-morrow.

The motion made yesterday on the subject was resumed and amended. Whereupon,

Resolved, That the committee appointed on public lands inquire if any, and what, compensation should be made to Louis Chacherie for his services as translator of the French and Spanish languages, to the western board of land commissioners, in the State of Louisiana; and that they have leave to report by bill or otherwise.

The Senate resumed, as in Committee of the Whole, the bill to increase the Navy of the United States; and, on motion, it was agreed that the consideration thereof be further postponed.

The bill, entitled "An act concerning the district and territorial judges of the United States,

was resumed; and, on motion, by Mr. CAMPBELL, of Tennessee, referred to a select committee, to consider and report thereon; and Messrs. CAMPBELL, of Tennessee, FRANKLIN, and HORSEY, were appointed the committee.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to incorporate a fire insurance company in the town of Alexandria, in the District of Columbia;" and Mr. BRADLEY was requested to take the Chair, and no amendments having been reported, the President resumed the Chair; and, on motion, by Mr. GILES, the bill was referred to a select committee, to consider and report thereon; and Messrs. GILES, BRENT, and ANDERSON, were appointed the committee.

WEDNESDAY, December 9.

The Senate resumed, as in Committee of the Whole, the consideration of the bill directing the Secretary of the Treasury to remit fines, forfeitures, and penalties, in certain cases; and Mr. BRADLEY was requested to take the Chair; and no amendments having been proposed, the President resumed the Chair; and, on motion, by Mr. GILES, the further consideration of the bill was postponed to, and made the order of the day for, to-morrow.

On motion, by Mr. GILES.

Resolved, That a committee be appointed to inquire into the expediency of offering encouragements at this time to all mariners and seamen to bring within any of the ports of the United States British public and private armed ships, as well as merchant ships or vessels, belonging to the subjects of the United Kingdom of Great Britain and Ireland; and that the committee have leave to report by bill or otherwise.

Messrs. GILES, LLOYD, SMITH, of Maryland, TAIT, and TAYLOR, were appointed the committee.

On motion, by Mr. MAGRUDER,

Resolved, That the Committee on Public Lands inquire if any, and what, compensation should be allowed to John Thompson, for his services as clerk of the Board of Commissioners for the western land district, in the State of Louisiana; and that they have leave to report by bill or otherwise.

Mr. HOWELL presented the memorial of James D'Wolf, and others, citizens of the State of Rhode Island, and owners of private armed vessels, complaining of grievances under the present regulations, and praying relief; and the memorial was read, and referred to the committee to whom was recommitted the bill, entitled "An act in addition to the act concerning letters of marque, prizes, and prize-goods," to consider and report thereon.

THURSDAY, December 10.

The Senate resumed, as in Committee of the Whole, the consideration of the bill directing the Secretary of the Treasury to remit fines, forfeitures, and penalties, in certain cases: and Mr. BRADLEY was requested to take the Chair; and, after debate, the President resumed the Chair; and, on motion, by Mr. BIBB, the further consideration of the bill was postponed until to-morrow.

Mr. SMITH, of Maryland, gave notice that to-morrow he should ask leave to bring in a bill to provide for organizing, arming, and disciplining the militia of the United States.

Mr. POSEY presented the petition of the widow and heirs of Leonard Marbury, deceased, stating that the said Marbury was appointed and commissioned, in the year 1776, to the command of a regiment of cavalry, in the service of the United States; and praying remuneration for advances made by him, in support of his said command, and for pay due to him for his own services. And the petition was read, and referred to a select committee, to consider and report thereon, by bill or otherwise; and Messrs. POSEY, BRADLEY, and TAIT, were appointed the committee.

FRIDAY, December 11.

SAMUEL W. DANA, from the State of Connecticut, attended.

Mr. VARNUM presented the memorial of B. W. Crowninshield and others, inhabitants of the town of Salem, in the State of Massachusetts, owners of private armed vessels, praying a revision of the "Act concerning letters of marque, prizes, and prize goods," and a modification thereof: and the memorial was read and referred to the committee who have under consideration the bill, entitled "An act in addition to the act concerning letters of marque, prizes, and prize goods," to consider and report thereon.

The PRESIDENT communicated the memorial of the Legislative Council and the House of Representatives of the Mississippi Territory, praying an extension of the time of payment for public lands, in the said Territory; and the memorial was read, and referred to the committee, appointed 2d December, on the subject of public lands, to consider and report thereon.

On motion, by Mr. GREGG,

Resolved, That the report of the Commissioners appointed to ascertain and settle the exterior line of the public land at West Point, with the adjoining proprietor, be referred to a select committee, to consider and report thereon, by bill or otherwise.

Ordered, That Messrs. GREGG, GERMAN, and ANDERSON, be the committee.

Mr. CAMPBELL, of Tennessee, from the committee to whom was referred the bill, entitled "An act concerning the district and territorial judges of the United States," reported it without amendment.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of Representatives of the United States:

I transmit to Congress copies of a letter to the Secretary of the Navy, from Captain Decatur, of the frigate United States, reporting his combat and capture of the British frigate Macedonian. Too much praise can-

not be bestowed on that officer and his companions on board, for the consummate skill and conspicuous valor by which this trophy has been added to the naval arms of the United States.

I transmit, also, a letter from Captain Jones, who commanded the sloop of war Wasp, reporting his capture of the British sloop of war Frolic, after a close action, in which other brilliant titles will be seen to the public admiration and praise.

A nation, feeling what it owes to itself and to its citizens, could never abandon to arbitrary violence, on the ocean, a class of them which give such examples of capacity and courage, in defending their rights on that element; examples which ought to impress on the enemy, however brave and powerful, preference of justice and peace, to hostility against a country, whose prosperous career may be accelerated, but cannot be prevented by the assaults made on it.

JAMES MADISON.

WASHINGTON, *Dec.* 11, 1812.

The Message and papers were read, and referred to the committee appointed 9th November last, to consider that part of the Message of the President of the United States, which relates to the Naval Establishment.

The Senate resumed, as in Committee of the Whole, the consideration of the bill directing the Secretary of the Treasury to remit fines, forfeitures, and penalties, in certain cases; and Mr. BRADLEY was requested to take the Chair; and, after debate, and agreeing to amend the bill, the President resumed the Chair; and, on motion, the further consideration of the bill was postponed until to-morrow.

SATURDAY, December 12.

The PRESIDENT communicated the memorial of the Legislative Council and House of Representatives of the Mississippi Territory, praying the Indian title to the lands on the north of Tennessee river, which lie within that Territory, may be extinguished, or that places of deposite may be established on the Tennessee and Tombigbee rivers; and the memorial was read.

The Senate resumed, as in Committee of the Whole, the consideration of the bill directing the Secretary of the Treasury to remit fines, forfeitures, and penalties, in certain cases; and Mr. BRADLEY was requested to take the Chair; and, after debate, the President resumed the Chair, and Mr. BRADLEY reported the bill amended; and, on the question, Shall this bill be engrossed and read a third time as amended? it was determined in the affirmative—yeas 27, nays 3, as follows:

YEAS—Messrs. Anderson, Bibb, Bradley, Brent, Campbell of Ohio, Cutts, Gaillard, German, Giles, Gilman, Goodrich, Gregg, Horsey, Howell, Hunter, Lambert, Lloyd, Magruder, Pope, Posey, Robinson, Smith of Maryland, Smith of New York, Tait, Taylor, Turner, and Varnum.

NAYS—Messrs. Crawford, Franklin, and Worthington.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to increase the Navy of the United States; and Mr. VARNUM was requested to take the Chair; and, after debate, the President resumed the Chair; and Mr. TAYLOR moved to strike out all the provisions of the bill for the building and equipment of 74-gun ships; and, on motion, by Mr. ANDERSON, the further consideration of the bill was postponed to Monday next.

Mr. ANDERSON, from the committee to whom was recommitted the bill, entitled "An Act in addition to an act concerning letters of marque, prizes, and prize goods," reported it with amendments.

MONDAY, December 14.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act concerning the district and territorial judges of the United States;" and the bill was passed to the third reading.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act, in addition to the act, concerning letters of marque, prizes, and prize goods," together with the amendments reported thereto by the select committee.

Mr. FRANKLIN was requested to take the Chair; and, after debate, the President resumed the Chair; and on motion, by Mr. ANDERSON, the further consideration thereof was postponed until to-morrow.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to increase the Navy of the United States; and the motion made on the twelfth instant, to strike out all the provisions for the building and equipment of ships of seventy-four guns, was determined in the negative—yeas 7, nays 23, as follows:

YEAS—Messrs. Crawford, Franklin, Lambert, Robinson, Smith of New York, Taylor, and Turner.

NAYS—Messrs. Anderson, Bibb, Brent, Campbell of Tennessee, Cutts, Dana, Gaillard, German, Giles, Gilman, Goodrich, Gregg, Horsey, Howell, Hunter, Leib, Lloyd, Magruder, Pope, Posey, Smith of Maryland, Tait, and Varnum.

On motion, by Mr. TAIT, the bill was amended, by inserting the words "not less than," before the words "seventy-four," section 1, line 4.

On the question, Shall this bill be engrossed and read a third time as amended? it was determined in the affirmative—yeas 28, nays 2, as follows:

YEAS—Messrs. Anderson, Bibb, Brent, Campbell of Tennessee, Cutts, Dana, Franklin, Gaillard, German, Giles, Gilman, Goodrich, Gregg, Horsey, Howell, Hunter, Lambert, Leib, Lloyd, Magruder, Pope, Posey, Smith of Maryland, Smith of New York, Tait, Taylor, Varnum, and Worthington.

NAYS—Messrs. Crawford, and Turner.

The bill directing the Secretary of the Treasury to remit fines, forfeitures, and penalties, in certain cases, was read a third time; and, on motion, by Mr. GILES, the blanks were filled, first, 23d June last—second, 15th September last.

On motion, by Mr. LLOYD, it was agreed, by unanimous consent, to amend the bill by the insertion of the word "made," line 21, prior to the words "after war was known."

On the question, Shall this bill pass as amended? It was determined in the affirmative—yeas 25, nays 5, as follows:

YEAS—Messrs. Anderson, Bibb, Cutts, Dana, Gaillard, German, Giles, Gilman, Goodrich, Gregg, Horsey, Howell, Hunter, Lambert, Lloyd, Magruder, Pope, Posey, Robinson, Smith of Maryland, Smith of New York, Tait, Taylor, Turner, and Varnum.

NAYS—Messrs. Brent, Campbell of Tennessee, Crawford, Franklin, and Worthington.

So it was *Resolved*, That this bill pass, and that the title thereof be "An act directing the Secretary of the Treasury to remit fines, forfeitures, and penalties, in certain cases."

TUESDAY, December 15.

The bill to increase the Navy of the United States, was read a third time, and passed.

The bill, entitled "An act concerning the district and territorial judges of the United States," was read a third time, and passed.

Mr. GREGG, from the committee appointed on the subject, reported a bill approving the report of the Commissioners, appointed by the Secretary of War, to ascertain and settle the exterior line of the public land at West Point, in the State of New York. And the bill was read, and passed to the second reading.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act in addition to the act concerning letters of marque, prizes, and prize goods," together with the amendments reported thereto by the select committee.

On motion by Mr. LLOYD, it was recommitted to a select committee, to consist of five members, further to consider and report thereon; and Messrs. ANDERSON, TAYLOR, LLOYD, SMITH of Maryland, and CAMPBELL, of Tennessee, were appointed the committee.

WEDNESDAY, December 16.

The bill approving the report of the Commissioners, appointed by the Secretary of War, to ascertain and settle the exterior line of the public land at West Point, in the State of New York, was read the second time; and ordered to be engrossed and read a third time.

Mr. LLOYD, from the committee to whom was referred, on the 18th November last, the petition of Bordman and Pope, reported a bill authorizing the admission, under certain circumstances, of vessels owned by citizens of the United States of America, with their cargoes, from British ports beyond the Cape of Good Hope; and the bill was read, and passed to a second reading.

THURSDAY, December 17.

The bill approving the report of the Commissioners appointed by the Secretary of War, to ascertain and settle the exterior line of the public land at West Point, in the State of New York, was reported by the committee correctly engrossed, and read a third time, and passed.

The PRESIDENT communicated a letter from the Commissioner of the General Land Office, together with a report of the Commissioners in the Western land district of the Territory of Orleans, (now State of Louisiana,) of such claims as have not been confirmed by them; and the letter and report were read.

The bill authorizing the admission, under certain circumstances, of vessels owned by citizens of the United States of America, with their cargoes, from British ports beyond the Cape of Good Hope, was read the second time.

FRIDAY, December 18.

The Senate resumed, as in Committee of the Whole, the consideration of the bill authorizing the admission, under certain circumstances, of vessels owned by citizens of the United States of America, with their cargoes, from British ports beyond the Cape of Good Hope; and, on motion of Mr. LLOYD, the bill was amended; and ordered to be engrossed, and read a third time.

Mr. ANDERSON, from the committee to whom was referred the bill, entitled "An act to enable the people of the Mississippi Territory to form a constitution and State government, and for the admission of such Territory into the Union, on an equal footing with the original States," reported it with amendments.

MONDAY, December 21.

The bill authorizing the admission, under certain circumstances of vessels owned by citizens of the United States of America, with their cargoes, from British ports beyond the Cape of Good Hope, having been reported by the committee correctly engrossed, was read a third time, and passed.

The PRESIDENT communicated a letter from the Governor of the State of New Hampshire, enclosing a copy of the resolutions passed by the Legislature of that State, ratifying and confirming an amendment proposed to the Constitution of the United States relative to titles of nobility; and the letter and resolution were read.

Resolved, That the Secretary of the Senate transmit them to the Secretary for the Department of State.

On motion, by Mr. FRANKLIN,

Ordered, That the report of the Commissioners in the Western land district, in the Territory of Orleans, (now State of Louisiana,) of such claims as have not been confirmed by them, be referred to the committee appointed 2d instant on the subject of the public lands, to consider and report thereon.

On motion of Mr. SMITH, of Maryland, the further consideration of the bill, entitled "An act to enable the people of the Mississippi Territory to form a constitution and State government, and for the admission of such Territory into the Union on an equal footing with the original States," was postponed to, and made the order of the day for, the first Monday in January next.

TUESDAY, December 22.

Mr. SMITH, of Maryland, obtained leave to bring in a bill to provide for organizing, arming, and disciplining the militia of the United States; and the bill was read, and passed to a second reading.

Mr. ANDERSON, from the committee to whom was recommitted the bill, entitled "An act in addition to the act concerning letters of marque, prizes, and prize goods," reported it with amendments.

WEDNESDAY, December 23.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act in addition to the act concerning letters of marque, prizes, and prize goods," together with the amendments reported thereto by the select committee; and Mr. FRANKLIN was requested to take the Chair; and, after debate, the PRESIDENT resumed the Chair, and Mr. FRANKLIN reported the bill with amendments; and the bill having been further amended, on the question "Shall this bill be read a third time as amended? it was determined in the affirmative.

Mr. POPE submitted the following motion for consideration:

Resolved, That a committee be appointed to inquire what provision is necessary and proper to be made for the mounted volunteers, which have been called into the service of the United States, during the present year; and that the committee have leave to report by bill or otherwise.

The following motion, submitted yesterday, by Mr. SMITH, of Maryland, was considered and postponed:

Resolved, That the President of the United States be requested to cause to be laid before the Senate any correspondence that may have taken place between the Secretary of War, and the Governor of Tennessee, and Mr. Hawkins, agent near the Creek nation, relative to the murders committed by Indians within the State of Tennessee.

THURSDAY, December 24.

A message from the House of Representatives informed the Senate that the House have passed the bill which originated in the Senate, entitled "An act directing the Secretary of the Treasury to remit fines, forfeitures, and penalties, in certain cases," with amendments; in which they request the concurrence of the Senate. They have also passed the bill which originated in the Senate, entitled "An act to increase the Navy of the United States," with an amendment; in which they request the concurrence of the Senate.

The Senate proceeded to consider the amendment of the House of Representatives to the bill last mentioned, and concurred therein.

The Senate considered the amendments of the House of Representatives to the bill, entitled 'An act directing the Secretary of the Treasury to remit fines, forfeitures, and penalties, in certain cases."

On motion of Mr. BRADLEY, the further consideration thereof was postponed until Monday next.

The PRESIDENT communicated a letter from William Tatham, on the subject of maritime defence, referring to sundry documents enclosed; which were read and laid on the table.

The amendments to the bill, entitled "An act in addition to the act concerning letters of marque, prizes, and prize goods," having been reported by the committee correctly engrossed, the bill was read a third time, and the blanks were filled.

Resolved, That this bill pass with amendments.

Mr. BRADLEY presented the petition of the President and Directors of the Bank of Washington, praying an enlargement of their capital, for reasons therein stated; and the petition was read, and referred to a select committee, to consider and report thereon, by bill or otherwise; and Messrs. BRADLEY, ANDERSON, and GREGG, were appointed the committee.

The Senate resumed the consideration of the motion made the 22d instant. Whereupon,

Resolved, That the President of the United States be requested to cause to be laid before the Senate any correspondence that may have taken place between the Secretary of War and the Governor of Tennessee, and Mr. Hawkins, agent near the Creek nation, relative to the murders committed by Indians within the State of Tennessee.

Ordered, That the Secretary lay this resolution before the President of the United States.

Adjourned to 11 o'clock on Monday morning.

MONDAY, December 28.

The Senate resumed the consideration of the amendments of the House of Representatives to the bill, entitled "An act directing the Secretary of the Treasury to remit fines, forfeitures, and penalties in certain cases;" and concurred therein.

The bill to provide for organizing, arming, and disciplining, the militia of the United States, was read the second time, and referred to a committee, appointed the 9th of November, on so much of the Message of the President of the United States as relates to the militia laws of the United States, to consider and report thereon.

The Senate resumed the motion made the 22d instant, respecting the mounted volunteers, which was amended, and agreed to, as follows:

Resolved, That the committee appointed the 9th November, on so much of the Message of the President of the United States as relates to the militia laws, be instructed to inquire what provision is necessary and proper to be made for the mounted volunteers and others, which have been called into the actual service of the United States, during the present year.

TUESDAY, December 29.

A message from the House of Representatives informed the Senate that the House have passed a joint "resolution relative to the brilliant achievements of Captains Hull, Decatur, and

Jones;" in which they request the concurrence of the Senate.

The resolution last mentioned was read, and passed to the second reading.

WEDNESDAY, December 30.

The joint resolution, relative to the brilliant achievements of Captains Hull, Decatur, and Jones, was read the second time, and referred to the committee appointed on the 9th of November, on so much of the Message of the President of the United States, as relates to the Naval Establishment thereof.

On motion, by Mr. FRANKLIN,

Resolved, That the Secretary of War be directed to lay before the Senate a statement of all the treaties held by the Indian tribes, respectively, in which they have ceded lands to the United States, since the 4th day of March, in the year 1789, the amount of purchase, with the annuities, if any there be; also, the amount, (whether in goods or money) expended in carrying such treaties into effect.

On motion, by Mr. FRANKLIN,

Resolved, That the Secretary of the Treasury be directed to lay before the Senate a general statement, showing the amount of all the moneys expended in surveying, marking, and designating, the lines and boundaries of the public lands, in each State or Territory; also, the amount of moneys paid upon the account of the sale of the public lands and collection of the money arising therefrom, and to the several boards of land commissioners, their clerks, and other officers, for ascertaining and adjusting the titles and claims to land in the several States and Territories.

On motion, by Mr. FRANKLIN,

Resolved, That the Commissioner of the General Land Office be directed to lay before the Senate a statement showing the amount of sales of land, the sums due from each land district, and the moneys actually received up to the close of the last quarter.

On motion, by Mr. DANA,

Resolved, That the Secretary of State be directed to lay before the Senate a statement of the number of persons, born in foreign countries, who have been legally naturalized in the United States, and registered annually as American seamen, according to returns sent to the Department of State, under the act of the 28th of May, 1796, relating to American seamen.

THURSDAY, December 31.

Mr. MAGRUDER, from the committee appointed on the subject of the public lands, reported a bill giving further time for registering lands in the eastern district of the Territory of Orleans, (now State of Louisiana;) and the bill was read, and passed to the second reading.

The PRESIDENT communicated the report of the Secretary for the Department of the Treasury, made in pursuance of the act of the tenth of April, 1806, entitled "An act regulating the currency of foreign coins in the United States;" and the report was read, and laid on the table.

A message from the House of Representatives informed the Senate of the death of JOHN SMILIE, late a member of the House of Representatives, from the State of Pennsylvania; and that his remains will be interred this day at two o'clock.

Resolved, That the Senate will attend the funeral of JOHN SMILIE, late a member of the House of Representatives, from the State of Pennsylvania, this day at two o'clock; and, as a testimony of respect for the memory of the deceased, they will go into mourning, and wear a black crape round the left arm for thirty days.

MONDAY, January 4, 1813.

The PRESIDENT communicated a report, signed James Monroe, acting Secretary for the Department of War, made in obedience to the first section of the act, entitled "An act further to amend the several acts for the establishment of the Treasury, War, and Navy Departments," passed 3d March, 1809; and the report was read.

The bill giving further time for registering claims to land in the eastern district of the Territory of Orleans, (now State of Louisiana,) was read the second time.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act supplementary to the act, entitled 'An act for the more perfect organization of the Army of the United States;" a bill, entitled "An act providing navy pensions, in certain cases;" also, a bill, entitled "An act to authorize the President of the United States to establish post routes in certain cases;" in which bills they request the concurrence of the Senate.

The three bills last brought up for concurrence were read, and passed to the second reading.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled. "An act to enable the people of the Mississippi Territory to form a constitution and State government, and for the admission of such Territory into the Union on an equal footing with the original States," together with the amendments reported thereto by the select committee; and Mr. GAILLARD was requested to take the Chair; and, after debate, the President resumed the Chair, and, on motion, by Mr. SMITH, of Maryland, the further consideration thereof was postponed until to-morrow.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of Representatives of the United States:

I lay before Congress, for their information, a report of the Director of the Mint.

JANUARY, 4, 1813.

The Message and report were read.

Mr. TAIT communicated "An act declaring the assent of the Legislature of the State of Georgia to the formation of one or more State governments in the Mississippi Territory;" which was read.

TUESDAY, January 5.

The credentials of JOHN GAILLARD, appointed a Senator by the Legislature of the State of South Carolina, for six years, commencing on the 4th day of March next, were presented, read, and ordered to lie on file.

The PRESIDENT communicated a report of the Commissioner of the General Land Office, made in compliance with a resolution of the Senate, of the 30th December last, showing the amount of lands sold prior to and since the opening of the several land offices, the sums due, and the moneys actually received therefor, up to the close of the last quarter. And the report was read.

Mr. BRADLEY presented the petition of Reuben Attwater, praying compensation for extra services rendered as Secretary of the Michigan Territory, and remuneration for losses sustained from depredations of the enemy on his private property, after the surrender of Detroit, in consequence of his having acted as Governor; and the petition was read, and referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. BIBB, WORTHINGTON, and FRANKLIN, were appointed the committee.

The bill entitled "An act authorizing the President of the United States to establish post routes in certain cases," was read the second time, and referred to a select committee, to consider and report thereon; Messrs. WORTHINGTON, FRANKLIN, and GAILLARD, were appointed the committee.

The bill, entitled "An act supplementary to the act, entitled 'An act for the more perfect organization of the Army of the United States," was read the second time, and referred to the committee appointed the 9th of November last, on so much of the Message of the President of the United States as concerns our foreign relations, to consider and report thereon.

The bill, entitled "An act providing for navy pensions," was read the second time, and referred to the committee appointed on the 9th of November last, on so much of the Message of the President of the United States as relates to the Naval Establishment thereof, to consider and report thereon.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to enable the people of the Mississippi Territory to form a constitution and State government, and for the admission of such Territory into the Union, on an equal footing with the original States," together with the amendments reported thereto by the select committee; and Mr. GAILLARD was requested to take the Chair, and, after debate, the further consideration thereof was postponed until to-morrow.

WEDNESDAY, January 6.

The credentials of ABNER LACOCK, appointed a Senator by the Legislature of the State of Pennsylvania for the term of six years, commencing on the 4th day of March next, were read, and ordered to lie on file.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to enable the people of the Mississippi Territory to form a constitution and State government, and for the admission of such Territory into the Union, on an equal footing with the original States," together with the amendments reported thereto by the select committee; and, on motion by Mr. BRADLEY, the bill and amendments were recommitted to a select committee, to consist of five members, to consider and report thereon by bill, bills, or otherwise; and Messrs. BRADLEY, ANDERSON, LLOYD, GREGG, and GERMAN, were appointed the committee.

The following motion was submitted by Mr. SMITH, of Maryland, for consideration:

Resolved, That the Secretary of War be directed to lay before the Senate a return of the commissioned, non-commissioned officers, musicians, and privates, who have enrolled themselves under the act, entitled "An act authorizing the President of the United States to accept and organize certain volunteer military corps," and the act supplementary thereto, specifying the States wherein such volunteers may have enrolled; and, also, a return of the non-commissioned officers, musicians, and privates, who have enlisted under the act, entitled "An act in addition to the act, entitled 'An act to raise an additional military force," passed January 11, 1812.

THURSDAY, January 7.

Mr. WORTHINGTON, from the committee to whom was referred the bill, entitled "An act authorizing the President of the United States to establish post routes in certain cases," reported it without amendment, and it was ordered to a third reading.

The Senate resumed the consideration of the motion made yesterday, on the subject of enrolled volunteers, and agreed thereto.

The Senate resumed, as in Committee of the Whole, the bill giving further time for registering claims to lands in the eastern district of the Territory of Orleans, now State of Louisiana; and, on motion by Mr. POSEY, the further consideration thereof was postponed until Monday next.

Mr. VARNUM, from the committee appointed the 9th November, to consider the subject, reported, in part, a bill supplementary to an act, entitled "An act to provide for the calling forth the militia, to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for those purposes;" and the bill was read, and passed to the second reading.

Mr. POSEY, from the committee to whom was referred, on the 10th of December, the petition of the widow and heirs of Leonard Marbury, deceased reported that it lie on the table. And the report was agreed to.

Mr. CUTTS communicated instructions from the Legislature of the State of New Hampshire, on increasing the pay of the militia when called into the service of the United States; which were read.

Mr. CAMPBELL, of Tennessee, from the committee to whom was referred the bill, entitled "An

act supplementary to the act, entitled 'An act for the more perfect organization of the Army of the United States," reported it with an amendment.

On motion by Mr. GREGG,

Resolved, That the Secretary for the Department of the Navy be directed to lay before the Senate any correspondence that may have taken place between him and Captain Chauncey and Lieutenant Elliott, relative to the capture and subsequent disposition of the British armed brigs Detroit and Caledonia, on the 8th October, 1812.

FRIDAY, January 8.

The bill supplementary to an act, entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for those purposes," was read the second time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act supplementary to the act, entitled 'An act for the more perfect organization of the Army of the United States," together with the amendments reported thereto by the select committee; and Mr. GAILLARD was requested to take the Chair; and, having agreed to an amendment, the President resumed the Chair; and, on motion by Mr. SMITH, of Maryland, the further consideration thereof was postponed to, and made the order of the day for, Monday next.

The bill, entitled "An act authorizing the President of the United States to establish post routes in certain cases," was read a third time, and passed.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for the relief of John Binnion," in which they request the concurrence of the Senate.

The bill last mentioned was read, and passed to the second reading.

MONDAY, January 11.

JAMES A. BAYARD, from the State of Delaware, arrived on the 9th instant, and attended this day.

Mr. BRADLEY, from the committee to whom was recommitted the bill from the House of Representatives, entitled "An act to enable the people of the Mississippi Territory to form a constitution and State government, and for the admission of such Territory into the Union, on an equal footing with the original States," together with the amendments thereto, reported in part, a bill to carry into effect the report made to Congress, in February, 1803, by James Madison, then Secretary of State; Albert Gallatin, Secretary of the Treasury; and Levi Lincoln, Attorney General of the United States; commissioners appointed in pursuance of the act, entitled "An act for the amicable settlement of limits with the State of Georgia, and authorizing the establishment of a government in the Mississippi Territory, in obedience to the provisions of the act supplemental to the last mentioned act;" and the bill was read, and passed to the second reading.

Mr. SMITH, of Maryland, from the committee to whom was referred the bill, entitled "An act providing navy pensions in certain cases," reported it amended

The PRESIDENT communicated a report of the Secretary for the Department of State, made in conformity with their resolution of the 30th December, on the number of persons born in foreign countries, who have been legally naturalized in the United States, and registered annually as American seamen; and the report was read.

The PRESIDENT also communicated a report of the Secretary for the Department of the Treasury, made in conformity with the sixth section of the act passed on the 1st May, 1810, entitled "An act fixing the compensation of public Ministers and Consuls, residing on the coast of Barbary, and for other purposes;" and the report was read.

The bill, entitled "An act for the relief of John Binnion," was read the second time, and referred to the committee appointed the 2d December, on the subject of public lands, to consider and report thereon.

Mr. GERMAN presented the petition of William Nexsen, jr., of the city of New York, an insolvent debtor, imprisoned at the suit of the United States, praying to be discharged; and the petition was read, and referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. GERMAN, GREGG, and GOODRICH, were appointed the committee.

Mr. SMITH, of Maryland, presented the memorial of John Worthington, and others, representing Oliver Evans as acting oppressively under his patent, for making and vending to be used his invention and improvement in the art of manufacturing flour and meal, and stating testimony in support of the facts alleged, and praying Congress again to take the subject into consideration, and grant relief; and the memorial and testimony were read; and, on motion, the testimony was ordered to be printed for the use of the Senate.

On motion by Mr. SMITH, of Maryland, the memorial was referred to a select committee, to consist of five members, to consider and report thereon, by bill or otherwise; and Messrs. BAYARD, SMITH of Maryland, TAYLOR, GREGG, and CAMPBELL of Ohio, were appointed the committee.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of Representatives of the United States:

I transmit to Congress an account of the contingent expenses of the Government, for the year 1812.

JAMES MADISON.

JANUARY 11, 1813.

The Message and account therein referred to were read.

The following Message was also received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

I transmit to the Senate a report of the Secretary of War, complying with their resolution of the 24th of December last. JAMES MADISON.

JANUARY 11, 1813.

The Message and report therein referred to were read.

The Senate resumed, as in Committee of the Whole, the consideration of the bill giving further time for registering claims to lands in the eastern district of the Territory of Orleans, now State of Louisiana; and the bill was ordered to be engrossed and read a third time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act supplementary to the act, entitled 'An act for the more perfect organization of the Army of the United States;" and Mr. GAILLARD was requested to take the Chair.

On motion by Mr. SMITH, of Maryland, to strike out the first and second sections of the bill, which provides one additional major to each regiment, and one additional third lieutenant to each company or troop, it was determined in the negative—yeas 15, nays 18, as follows:

YEAS—Messrs. Bayard, Bradley, Campbell of Ohio, German, Gilman, Goodrich, Gregg, Horsey, Lambert, Leib, Lloyd, Pope, Reed, Smith of Maryland, Varnum.

NAYS—Messrs. Anderson, Bibb, Campbell of Tennessee, Crawford, Cutts, Dana, Franklin, Gaillard, Howell, Hunter, Magruder, Posey, Robinson, Smith of New York, Tait, Taylor, Turner, and Worthington.

The bill having been gone through, the President resumed the Chair, and Mr. GAILLARD reported it amended.

TUESDAY, January 12.

Mr. GREGG presented the petition of Washington Lee, now a Captain in the Army, stating that he was appointed on the 19th February, 1810, by the Commanding General of the Southern department of the Army, Judge Advocate; the duties of which office he discharged for the space of two years, and for which service he has received no compensation, owing to the said appointment not having been at that time provided for by law, and praying relief; and the petition was read, and referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. GREGG, POSEY, and SMITH of New York, were appointed the committee.

Mr. BRADLEY presented the petition of Henry Debrow and James Chittenden, & Co., citizens of the Michigan Territory, with an account of property which they state to have been taken and destroyed by the enemy on the 9th of July, 1812, and praying relief; and the petition was read.

The PRESIDENT communicated a letter signed William Duane, on the subject of military tactics; and the letter was read.

The bill giving further time for registering claims to lands in the eastern district of the Territory of Orleans, now State of Louisiana, was read a third time, and passed.

The bill to carry into effect the report made to Congress in February, 1803, by James Madison, then Secretary of State; Albert Gallatin, Secretary of the Treasury; and Levi Lincoln, Attorney General of the United States—commissioners, appointed in pursuance of the act, entitled "An act for an amicable settlement of limits with the State of Georgia, and authorizing the establishment of a government in the Mississippi Territory, in obedience to the provisions of the act supplemental to the last mentioned act," was read the second time.

The Senate resumed the consideration of the bill, entitled "An act supplementary to the act, entitled 'An act for the more perfect organization of the Army of the United States."

On motion, it was agreed to strike out (section 4, line 4) the words "in lieu of the bounty in money heretofore allowed,"

On motion by Mr. LLOYD, to strike out (section 4, lines 7, 8, 9, and 10) the words "a bounty of forty dollars, but the payment of twenty dollars of the said bounty shall be deferred until he shall be mustered and have joined some military corps for service," it was determined in the affirmative—yeas 17, nays 15, as follows:

YEAS—Messrs, Bayard, Bradley, Campbell of Ohio, Crawford, Gilman, Goodrich, Gregg, Horsey, Hunter, Lambert, Leib, Lloyd, Pope, Smith of New York, Tait, Taylor, and Turner.

NAYS—Messrs. Anderson, Bibb, Campbell of Tennessee, Cutts, Dana, Franklin, Gaillard, German, Howell, Magruder, Posey, Reed, Robinson, Smith of Maryland, and Varnum.

On motion by Mr. LLOYD, to insert, in lieu of the words last stricken out, the following words; "an advance of twenty-four dollars, on account of his pay, in addition to the existing bounty: one-half of such advance to be paid at the enlistment of the recruit, and the other half when he shall be mustered and have joined some military corps of the United States for service;" it was determined in the affirmative—yeas 22, nays 11, as follows:

YEAS—Messrs. Bayard, Bibb, Bradley, Campbell of Ohio, Campbell of Tennessee, Crawford, Cutts, Gilman, Goodrich, Gregg, Horsey, Hunter, Lambert, Leib, Lloyd, Pope, Reed, Smith of New York, Tait, Taylor, Turner, and Worthington.

NAYS—Messrs. Anderson, Dana, Franklin, Gaillard, German, Howell, Magruder, Posey, Robinson, Smith of Maryland, and Varnum.

On motion, by Mr. VARNUM, to strike out the first and second sections of the bill, a division of the question was called for by Mr. LEIB, and the question was taken on striking out the first section, which provides one additional major to each regiment, and determined in the negative—yeas 15, nays 16, as follows:

YEAS—Messrs. Bayard, Bradley, Campbell of Ohio, German, Gilman, Goodrich, Gregg, Horsey, Lambert, Leib, Lloyd, Pope, Reed, Smith of Maryland, and Varnum.

NAYS—Messrs. Anderson, Bibb, Campbell of Tennessee, Crawford, Cutts, Franklin, Gaillard, Hunter, Magruder, Posey, Robinson, Smith of New York, Tait, Taylor, and Turner.

On the question to strike out the second section, which provides one additional third lieutenant to each company or troop, it was determined in the negative—yeas 15, nays 17, as follows:

YEAS—Messrs. Bayard, Bradley, Campbell of Ohio, German, Gilman, Goodrich, Gregg, Horsey, Lambert, Leib, Lloyd, Pope, Reed, Smith of Maryland, and Varnum.

NAYS—Messrs. Anderson, Bibb, Campbell of Tennessee, Crawford, Cutts, Franklin, Gaillard, Howell, Hunter, Magruder, Posey, Robinson, Smith of New York, Tait, Taylor, Turner, and Worthington.

On motion, by Mr. LEIB, it was agreed to strike out the words "five dollars," being the allowance to the officers on recruiting service, and that it should stand blank; section five, line four; and, after debate, on motion, by Mr. ROBINSON, it was agreed to fill the blank with the words "four dollars."

And the reported amendments having been agreed to, on the question, Shall this bill be read a third time as amended? it was determined in the affirmative—yeas 23, nays 8, as follows:

YEAS—Messrs. Anderson, Bayard, Bibb, Campbell of Ohio, Campbell of Tennessee, Crawford, Cutts, Franklin, Gaillard, German, Gregg, Howell, Leib, Magruder, Posey, Reed, Robinson, Smith of Maryland, Smith of New York, Tait, Taylor, Turner, and Worthington.

NAYS—Messrs. Gilman, Goodrich, Horsey, Hunter, Lambert, Lloyd, Pope, and Varnum.

WEDNESDAY, January 13.

The PRESIDENT communicated the report of the Secretary acting for the Department of War, made in obedience to the first section of the act, entitled "An act further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments," passed the third day of March, 1809; and the report was read.

Mr. MAGRUDER, from committee appointed to consider the subject of public lands, reported a bill for the relief of Lewis Chacherie; and the bill was read, and passed to the second reading.

The amendments to the bill, entitled "An act supplementary to the act, entitled 'An act for the more perfect organization of the Army of the United States," were reported by the committee correctly engrossed; and the bill was read a third time as amended,

Resolved, That this bill pass with amendments.

The Senate resumed, as in Committee of the Whole, the consideration of the bill supplementary to an act, entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for those purposes;" and Mr. BRADLEY was requested to take the Chair; and the bill having been amended, the President resumed the Chair; and on the question, Shall this bill be engrossed and read a third time? it was determined in the affirmative.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to carry into effect the report made to Congress in February, 1803, by James Madison, then Secretary of State, Albert Gallatin, Secretary of the Treasury, and Levi Lincoln, Attorney General of the United States, commissioners, appointed in pursuance of the act, entitled "An act for an amicable settlement of limits with the State of Georgia, and authorizing the establishment of a government in the Mississippi Territory, in obedience to the provisions of the act supplemental to the last mentioned act."

Mr. ANDERSON was requested to take the Chair, and the bill was amended, and the President resumed the Chair.

On motion, by Mr. BIBB, the further consideration, of the bill was postponed until to-morrow.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act providing for navy pensions in certain cases," together with the amendments reported thereto by the select committee; and having agreed to the amendments, on the question, Shall this bill be read a third time as amended? it was determined in the affirmative.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of Representatives of the United States:

At the request of the General Assembly of Maryland, communicated by the Governor of that State, I lay before Congress copies of their act passed on the second instant.

JAMES MADISON.

JANUARY 13, 1813.

The Message and act therein referred to were read.

CAPTURE OF BRITISH VESSELS.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

I transmit to the Senate copies of the correspondence called for by their resolution of the 7th instant.

JAMES MADISON.

JANUARY 13, 1813.

The Message and papers therein referred to were read, and referred to the committee appointed the 9th November, on so much of the Message of the President of the United States as relates to the Naval Establishment, to consider and report thereon.

The documents are as follow:

BLACK ROCK, *October* 9, 1812.

SIR: I have the honor to inform you that, on the morning of the 8th instant, two British vessels, which I was informed were His Britannic Majesty's brig Detroit, late the United States' brig Adams, and the brig Hunter, mounting fourteen guns, but which afterwards proved to be the brig Caledonia, both said to be well armed and manned, came down the lake, and anchored under the protection of Fort Erie. Having been on the lines for some time, and in a measure inactively employed, I determined to make an attack, and, if possible, get possession of them; a strong inducement to this attempt arose from a conviction that, with those two vessels, added to those which I have purchased and am fitting out, I should be able to meet the remainder of the British force on the upper lakes, and save an incalculable expense and labor to the Government. On the morning of their arrival, I heard that

our seamen were but a short distance from this place, and immediately despatched an express to the officers, directing them to use all possible despatch in getting the men to this place, as I had important service to perform. On their arrival, which was about 12 o'clock, I discovered that they had only twenty pistols, and neither cutlasses, nor battle axes; but on application to Generals Smyth and Hall, of the regulars and militia, I was supplied with a few arms, and General Smyth was so good, on my request, as immediately to detach fifty men from the regulars, armed with muskets; by four o'clock, in the afternoon, I had my men selected and stationed in two boats which I had previously prepared for the purpose; with those boats, fifty men in each, and under circumstances very disadvantageous, my men having had scarcely time to refresh themselves, after a fatiguing march of five hundred miles, I put off from the mouth of Buffalo creek, at one o'clock the following morning; and at three I was alongside the vessels; in about ten minutes I had the prisoners all secured, the topsails sheeted home, and the vessels under way; unfortunately the wind was not sufficiently strong to get me up against a rapid current into the lake, where I understood another armed vessel lay at anchor, and I was obliged to run down the river by the forts, under a heavy fire of round, grape, and canister, from a number of pieces of heavy ordnance, and several pieces of flying artillery; was compelled to anchor at a distance of about four hundred yards from two of their batteries. After the discharge of the first gun, which was from the flying artillery, I hauled to the shore, and observed to the officer that if another gun was fired, I would bring the prisoners on deck, and expose them to the fate we should all share; but notwithstanding they disregarded the caution, continuing a constant and destructive fire, one single moment's reflection determined me not to commit an act that would subject me to the imputation of barbarity. The Caledonia had been beached in as safe a position as the circumstances would admit of, under one of our batteries at Black Rock; I now brought all the guns of the Detroit on one side, next the enemy, stationed the men at them, and directed a fire, which was continued as long as our ammunition lasted, and circumstances permitted. During the contest, I endeavored to get the Detroit on our side, by sending a line (there being no wind) on shore, with all the line I could muster; but the current being so strong the boat could not reach the shore. I then hauled on shore, and requested that warps should be made fast on the land and sent on board, the attempt to do which again proved useless. As the fire was such as would, in all probability, sink the vessel in a short time, I determined to drop down the river, out of reach of the batteries, and make a stand against the flying artillery. I accordingly cut the cable and made sail, with very light airs, and at that instant discovered that the pilot had abandoned me. I dropped astern, for about ten minutes, when I was brought up on our shore, on Squaw island; got the boarding boat made, had all the prisoners put in and sent on shore, with directions for the officer to return for me, and what property we could get from the brig; he did not return, owing to the difficulty of the boat's getting ashore. Discovering a skiff under the counter, I sent the four remaining prisoners in the boat, and, with my officer, I went on shore to bring the boat off; I asked for protection to the brig of Lieutenant Colonel Scott, who readily gave it; at this moment I discovered a boat, with about forty soldiers, from the British side, making for the brig; they got on board, but were soon compelled to abandon her, with the loss of nearly all their men. During the whole of this morning both sides of the river kept up, alternately, a constant fire on the brig, and so much injured her that it was impossible to have floated her. Before I left her, she had received twelve shot, of large size, in her bends, her sails in ribands, and her rigging all cut to pieces. To my officers and men, I feel under great obligations; to Captain Towson, and Lieutenant Roach, of the second regiment of artillery; Ensign Pressman, of the infantry; to Cornelius Chapin, Mr. John McComb, Messrs. John Tower, Thomas Davis, Peter Overtacks, James Sloan, resident gentlemen of Buffalo, for their soldier and sailor-like conduct; in a word, every man fought with their hearts animated only by the interest and honor of their country. The prisoners I have turned over to the military. The Detroit mounted six six-pound long guns; a commanding lieutenant, a lieutenant of marines, a boatswain and gunner, and fifty-six men; about thirty American prisoners on board; muskets, pistols, and battle-axes; in boarding her, I lost one man, one officer wounded; Mr. John C. Cummings, acting midshipman, a bayonet through the leg; his conduct was correct, and deserves the notice of the Department.

The Caledonia mounted two small guns, blunderbusses, pistols, muskets, cutlasses, and boarding pistols; twelve men, including officers; ten prisoners on board; the boat boarding her, commanded by Sailing-master George Watts, performed his duty in a masterly style; but one man killed and four wounded badly, I am afraid, mortally.

I enclose you a list of the officers and men engaged in the enterprise, and also a view of the lake and river in the different situations of attack; in a day or two I shall forward the names of the prisoners. The Caledonia belongs to the Northwest Company, laden with furs, worth, I understood, two hundred thousand dollars.

JESSE D. ELLIOTT.

Hon. PAUL HAMILTON,
Secretary of the Navy.

Lieutenant Elliott to the Secretary of the Navy.

BLACK ROCK, *October* 10, 1812.

SIR: In my letter of yesterday's date, I stated my intention to enclose to you a list of the officers and men engaged with me in capturing His Britannic Majesty's brig, the Detroit, and brig Caledonia. The incessant fire of the enemy, and my own constant engagements for the protection of the vessels, compel me to postpone sending that list until another opportunity. Last evening, having observed an intention, on the part of the enemy, to remove the ordnance and military stores with which the Detroit was charged, I determined at once to set her on fire; thereby to prevent her having the aid of masts and yards in getting her guns into boats, she having five twelve-pound guns in her hold, and six six-pounders upon her deck, that I could prepare them, and, with my sailors, remove the ordnance during the night, when unobserved by the enemy. These preparations I am now making, and shall, with as much expedition as possible, continue to get the ordnance, and place it in our battery, as we are much in want—not one piece at Black Rock. The Caledonia I have perfectly recovered from the enemy.

I have the honor to be, with great respect, &c.

JESSE D. ELLIOTT.

Lieutenant Elliott to Commodore Chauncey, dated
BLACK ROCK, *Oct.* 10, 1812.

SIR: I have the honor to inform you that, on the morning of the 6th instant, two vessels, under British colors, came down Lake Erie, and anchored under the protection of Fort Erie; that, on the same day, a detachment of men arrived from New York, accompanied by Sailingmasters Watts and Chisson, with some masters' mates and midshipmen; that, on the morning following, I, with two boats previously prepared for the purpose, boarded and took possession of them, with the loss of two men killed, Samuel Fortune and Daniel Martin, and four wounded---Acting Midshipman John C. Cummings, John Garling, Nathan Armstrong, Jerome Sardie, and John Yosen. As there is not a probability of your receiving this shortly, I have made a communication to the Department upon the subject, a copy of which I enclose for your perusal. I beg you will not have conceived me hasty in making this attack. I acted as if the action came directly from yourself.

Let me recommend to your particular attention the officers and men who performed this service---each and all did their duty. The ensign of the Adams I will send you at an early opportunity; it is at your disposal. The particulars, as it regards the vessels, I will forward you in a day or two; at present I am much engaged. With sentiments, &c.

P. S. I have neglected mentioning to you the names of the vessels captured. One, His Britannic Majesty's brig, "the Detroit," formerly the United States' brig Adams; the other, a brig belonging to the Northwest Company, loaded with skins, called the Caledonia.

Commodore Chauncey to Paul Hamilton, Esq., Secretary of the Navy.

SACKETT'S HARBOR, *October* 16, 1812.

SIR: I have great pleasure in informing you that, by a gentleman who arrived here yesterday afternoon, from Buffalo, I learn that Lieutenant Elliott, with about sixty sailors, and a number of volunteer militia, cut out from under the guns of Fort Erie, on the night of the 8th instant, the brig Adams (lately surrendered at Detroit) and the schooner Caledonia, laden with peltry, said to be very valuable; but, in running these vessels for Black Rock, they both grounded, in such a situation that the British fort was firing on them, when my informant left there on Friday morning last. It was, however, believed that, if they could not be got off, they could be destroyed. I, however, hope that Lieutenant Elliott will be able to save both vessels; for, such an addition to our little force on Lake Erie, at this time, would be invaluable. Lieutenant Elliott deserves much praise for the promptness with which he executed this service; as the sailors had only arrived at Black Rock on the 8th, and he had no particular orders from me, except to have boats built and prepared for cutting out the British vessels, which I knew rendezvoused near Fort Erie. If Lieutenant Elliott succeed in saving the Adams and Caledonia, I think that we shall obtain the command of Lake Erie before December; but, as to this lake, I hardly know what to say, as there has not a single pound of powder, nor a gun, arrived yet, and I can make no calculation when any will arrive. I feel quite discouraged, and shall be tempted to seek the enemy, with the Oneida alone, if the guns do not arrive soon.

The sailors have all arrived at their places of destination; but the marines have not arrived. I, however, hope to see them to-day or to-morrow.

I have the honor to be, &c.

ISAAC CHAUNCEY.

Hon. PAUL HAMILTON,
Secretary of the Navy.

SACKETT'S HARBOR, *October* 27, 1812.

SIR: I have the honor of enclosing you copies of two letters from Lieutenant Elliott, giving an account of his having cut out from under Fort Erie, on Lake Erie, in a most gallant manner, two British brigs, the Detroit (late Adams) and the Caledonia. The Detroit was manned and armed as a man of war; the Caledonia belonged to the Northwest Company, and was loaded with peltry.

Nothing that I can say, more than I have already said in a former communication upon this subject, will add to the credit of Lieutenant Elliott, and the gallant officers and men who accompanied him. The thing speaks for itself, and will, I am sure, be duly appreciated by all who may have any idea of the difficulties that he had to encounter, after getting possession of these vessels. I have the honor to be, &c.

ISAAC CHAUNCEY.

Hon. PAUL HAMILTON,
Secretary of the Navy.

WASHINGTON, *Jan.* 8, 1812.

SIR: In answer to your note, requesting of me "a general description of the armament and stores on board at the time of the capture of the Adams, and the probable number of men," I can state, that I sailed from Malden in the Adams, and arrived at Fort Erie on the morning preceding the night in which you captured that vessel. I left her in the afternoon, and crossed in her boat to Buffalo, with a flag. When I left the Adams, she had on board five guns mounted, (six and four pounders,) and six long twelves in her hold. She had also on board a quantity of powder and ball, and a number of boxes of muskets. I am not able to state, of my own knowledge, the number of stand of arms, but I have been informed that nearly all the arms taken at Detroit were on board; if that was the fact, the number must have been two thousand. The number of the crew that I left on board could not vary much from sixty, and the number of American prisoners about thirty, including three officers. I have the honor to be, &c.

HARRIS H. HICKMAN.

Lieut. D. ELLIOTT, *U. S. Navy.*

NAVY DEPARTMENT, *Oct.* 27, 1812.

SIR: I have received, with great satisfaction, your communication of the ninth instant, and have been desired by the President of the United States to return to you, and through you to the officers and men under your command, in the expedition to Fort Erie, which terminated to the glory of the American arms, his particular thanks. I am, with great respect, &c.

PAUL HAMILTON.

P. S. Your having abstained from fulfilling your intimation that you would expose your prisoners to the enemy's fire, is highly approved.

JESSE D. ELLIOTT, Esq.,
Lieut. Commanding, Black Rock.

THURSDAY, January 14.

The amendments to the bill, entitled "An act providing for navy pensions in certain cases," were reported by the committee correctly engrossed; and the bill was read a third time as amended, and passed.

The bill supplementary to the act, entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for those purposes," was read a third time, and passed.

Mr. LEIB presented the memorial of the managers of the Bible Society of Philadelphia, stating that, to enable them to promote the object of the institution, the gratuitous distribution of the sacred Scriptures, they had ordered, in the year 1809, a set of stereotype plates from England, and praying that these plates may be exonerated from the additional duties since imposed on British manufactures; and the memorial was read, and referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. LEIB, ROBINSON, and GREGG, were appointed the committee.

The bill for the relief of Lewis Chacherie, was read the second time, and on motion, by Mr. MAGRUDER, recommitted to the committee appointed the 2d of December, on the subject of public lands, further to consider and report thereon.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to carry into effect the report made to Congress in February, 1803, by James Madison, then Secretary of State, Albert Gallatin, Secretary of the Treasury, and Levi Lincoln, Attorney General of the United States, commissioners, appointed in pursuance of the act, entitled "An act for an amicable settlement of limits with the State of Georgia, and authorizing the establishment of a government in the Mississippi Territory, in obedience to the provisions of the act supplementary to the last mentioned act," and Mr. ANDERSON was requested to take the Chair; and, after debate, the President resumed the Chair, and Mr. ANDERSON reported the bill amended.

On motion, by Mr. FRANKLIN, it was agreed to take the question, Shall this bill be engrossed and read a third time as amended? by yeas and nays.

On motion, by Mr. BIBB, the further consideration of the bill was postponed until to-morrow.

FRIDAY, January 15.

On motion, by Mr. LEIB, the letter signed William Duane, communicated the 12th instant, on the subject of military tactics, was referred to a select committee, to consider and report thereon; and Messrs. LEIB, SMITH, of Maryland, and ANDERSON, were appointed the committee.

On motion, by Mr. BAYARD, the Message of the President of the United States, of the 13th instant, with the act of the General Assembly of the State of Maryland, therein communicated, was referred to a select committee, to consider and report thereon; and Messrs. BAYARD, GREGG, and BIBB, were appointed the committee.

Mr. SMITH, of Maryland, presented the memorial of the minority of the House of Representatives of the General Assembly of the Mississippi Territory, on their application for admission into the Union, on a footing with the original States, and praying Congress to defer the passing any law for that purpose, until their population shall amount to sixty thousand free persons, as is stated at large in the memorial; which was read, and referred to the committee to whom was recommitted, on the 6th instant, the bill from the House of Representatives, entitled "An act to enable the people of the Mississippi Territory to form a constitution and State government, and for the admission of such Territory into the Union, on an equal footing with the original States," to consider and report thereon.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act in addition to the act, entitled 'An act to raise an additional military force, and for other purposes," in which bill they request the concurrence of the Senate, They do not concur in the amendments of the Senate to the bill, entitled "An act in addition to the act concerning letters of marque, prizes, and prize goods," and ask a conference on the subject, and have appointed managers on their part.

The bill last brought up for concurrence was read; and on motion, by Mr. CAMPBELL, of Tennessee, that it now be read a second time, it was objected to, as against the rule. The bill was then passed to the second reading.

The Senate resumed the consideration of the bill to carry into effect the report made to Congress in February, 1803, by James Madison, then Secretary of State, Albert Gallatin, Secretary of the Treasury, and Levi Lincoln, Attorney General of the United States, commissioners, appointed in pursuance of the act, entitled "An act for an amicable settlement of limits with the State of Georgia, and authorizing the establishment of a government in the Mississippi Territory, in obedience to the provisions of the act, supplemental to the last mentioned act."

On motion, by Mr. GOODRICH, the further consideration thereof was postponed until Monday next.

Mr. LEIB, from the committee appointed to consider the subject, reported a bill for the relief of the Bible Society of Philadelphia; and the bill was read, and passed to the second reading.

The Senate proceeded to consider the amendments disagreed to by the House of Representatives to the bill, entitled "An act in addition to the act concerning letters of marque, prizes, and prize goods;" and on motion, by Mr. SMITH, of Maryland,

Resolved, That they insist on their amendments, and agree to the conference asked by the House of Representatives.

Ordered, That Messrs. SMITH of Maryland, ANDERSON, and TAYLOR, be the managers on the part of the Senate.

Mr. HORSEY submitted the following motion for consideration.

Resolved, That the President of the United States be requested to cause to be laid before the Senate the French decree, purporting to be a definitive repeal of the Berlin and Milan decree, referred to in his Message of the 4th of November last; and, also, any correspondence or information, touching the relation of the United States with France, in the office of the Department of State, not heretofore communicated, which, in the opinion of the President, is not incompatible with the public interest to communicate.

SATURDAY, January 16.

The bill, entitled "An act in addition to the act, entitled 'An act to raise an additional military force, and for other purposes,'" was read the second time, and referred to the committee appointed, the 9th of November, on so much of the Message of the President of the United States as concerns our foreign relations, the military establishment, and volunteers.

The bill for the relief of the Bible Society of Philadelphia was read the second time; and on the question, Shall this bill be engrossed and read a third time? it was determined in the affirmative.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act making certain partial appropriations for the year 1813;" in which bill they request the concurrence of the Senate.

The bill last mentioned was twice read, by unanimous consent, and passed to a third reading.

The PRESIDENT communicated the report of the Postmaster General, relative to public contracts; also, on the salaries allowed to the clerks of that department, during the year 1812; and the reports were severally read.

MONDAY, January 18.

Mr. MAGRUDER, from the committee to whom was referred the bill, entitled "An act for the relief of John Binnion," reported it without amendment, and it passed to a third reading.

The Senate resumed the consideration of the bill to carry into effect the report made to Congress in February, 1803, by James Madison, then Secretary of State, Albert Gallatin, Secretary of the Treasury, and Levi Lincoln, Attorney General of the United States, commissioners, appointed in pursuance of the act, entitled "An act for an amicable settlement of limits with the State of Georgia, and authorizing the establishment of a government in the Mississippi Territory, in obedience to the provisions of the act supplemental to the last mentioned act." And the bill was further amended.

On the question, Shall this bill be engrossed and read a third time as amended? it was determined in the affirmative—yeas 16, nays 11, as follows:

YEAS—Messrs. Bayard, Bibb, Bradley, Brent, Cutts, Goodrich, Horsey, Howell, Hunter, Lambert, Pope, Posey, Robinson, Smith of New York, Taylor, and Varnum.

NAYS—Messrs. Anderson, Campbell of Ohio, Crawford, Franklin, Gaillard, Leib, Magruder, Reed, Tait, Turner, and Worthington.

Mr. CAMPBELL, of Tennessee, from the committee to whom was referred the bill, entitled "An act in addition to the act, entitled 'An act to raise an additional military force, and for other purposes,'" reported it without amendment.

The bill for the relief of the Bible Society of Philadelphia was reported by the committee correctly engrossed, and read a third time, and passed.

The bill, entitled "An act making certain partial appropriations for the year 1813," was read a third time, and passed.

The Senate resumed the consideration of the motion made the 15th instant, which was amended and agreed to, as follows:

Resolved, That the President of the United States be requested to cause to be laid before the Senate the French decree, purporting to be a definitive repeal of the Berlin and Milan decrees, referred to in his Message of the 4th November last, together with such information as he may possess, concerning the time and manner of promulgating the same; and, also, any correspondence or information touching the relations of the United States with France, in the office of the Department of State, not heretofore communicated, which, in the opinion of the President of the United States, is not incompatible with the public interest to communicate.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for the relief of Jared Shattuck," in which bill they request the concurrence of the Senate.

The bill last mentioned was read, and passed to the second reading.

TUESDAY, January 19.

The bill, entitled "An act for the relief of Jared Shattuck," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. BRADLEY, TAIT, and VARNUM, were appointed the committee.

Mr. LLOYD submitted the following motion for consideration:

Resolved, That the President of the United States be requested to cause to be laid before the Senate an account of the sale or disposition of three millions one hundred and eighty thousand dollars of Treasury notes, subscribed for by various banks, as stated in the annual report of the Secretary of the Treasury, with the time and terms of sale to such banks respectively; and the state of their several accounts with the Treasury Department, from the time of such sale or subscription, to the first day of the present month of January.

The bill, entitled "An act for the relief of John Binnion," was read the third time, and passed.

A message from the House of Representatives informed the Senate that the House have passed

a bill, entitled "An act confirming certain claims to lands in the district of Vincennes;" in which they request the concurrence of the Senate.

The bill last mentioned was read, and passed to the second reading.

The PRESIDENT communicated a letter from the Commissioner of the General Land Office, transmitting a report of the commissioners appointed conformably to "An act to ascertain the Western boundary of the district reserved for satisfying the military bounties allowed to the officers and soldiers of the Virginia line on continental establishment;" and the letter and report were read.

The bill to carry into effect the report made to Congress, in February, one thousand eight hundred and three, by James Madison, then Secretary of State, Albert Gallatin, Secretary of the Treasury, and Levi Lincoln, Attorney General of the United States, commissioners, appointed in pursuance of the act, entitled "An act for an amicable settlement of limits with the State of Georgia, and authorizing the establishment of a government in the Mississippi Territory, in obedience to the provisions of the act supplemental to the last mentioned act," was reported by the committee correctly engrossed, and read a third time.

On the question, Shall this bill pass? it was determined in the affirmative—yeas 16, nays 9, as follows:

YEAS—Messrs. Bayard, Bradley, Dana, German, Goodrich, Horsey, Howell, Hunter, Lambert, Pope, Posey, Robinson, Smith of Maryland, Smith of New York, Taylor, and Varnum.

NAYS—Messrs. Campbell, of Tennessee, Franklin, Leib, Magruder, Reed, Tait, Turner, and Worthington.

On motion, by Mr. SMITH, of Maryland, the further consideration of the bill, entitled "An act in addition to the act, entitled 'An act to raise an additional military force,' and for other purposes," was postponed to, and made the order of the day for, to-morrow.

OHIO RESOLUTIONS.

The PRESIDENT communicated a letter from the Governor of the State of Ohio, enclosing the declaration and resolves of the General Assembly of that State, approbatory of the measures of the Administration in regard to the war with England, and pledging themselves and their constituents to aid in its prosecution.

The letter and resolutions were as follow:

CHILICOTHE, *January* 10, 1813.

SIR: I have the honor to transmit you the enclosed declaration, and am, with high esteem, your obedient servant, R. J. MEIGS.

Hon. the SPEAKER *of the Senate U. S.*

Declaration and Resolves of the General Assembly of the State of Ohio.

It has pleased Divine Providence that this General Assembly should convene under circumstances new, replete with interest, and of great national concern. While the moral and political convulsions of Europe have shaken empires from their centre, this nation has, alone, pursued a peaceful policy. It has grown in wealth, it has increased in importance, until its power has become a cause of jealousy among the nations of the old world, and its wealth has but too effectually invited their rapacity.

Endeavoring to surmount injustice, with its view fixed on peace, and with exertions never suspended, the American Administration has determined, if practicable, to elude the evils of war. Mildness has characterized its manner, and justice has been its whole demand: but forbearance has been in vain. Forgetting the principles of justice, and regardless of our unquestioned rights, the great contending Powers of Europe have reduced plunder to system, and, in that system, unremittingly persevere. Nor is this all: the British nation has superadded personal oppression, and the cruel enslavement of our citizens; and, even when professedly at peace with the United States, she has been perfidiously accessary to the murder of our frontier inhabitants, by instigating and aiding her savage allies, whose cruel mode of warfare is disgraceful to humanity. Still was she invited to be just. While the sword was yet starting from its scabbard, the olive branch was cordially offered to the enemy; but this offer is refused, and the only Republic which has survived the general wreck of nations is in open war.

Impressed with a full conviction that the war in which this nation is involved is, on our part, just and necessary; that the course pursued by the Administration, in recommending the measure, and its mild, conciliatory, and continued efforts to secure to this nation an honorable peace, merit the entire approbation of this General Assembly; and that not only the honor and dignity of this people, but its continuance as a free and independent nation, depend upon a vigorous prosecution of the war: therefore,

Resolved, by the General Assembly of the State of Ohio, That, in the name, and in behalf of our constituents, we pledge ourselves to aid the National Government, in the present emergency, to the extent of our resources; and we do this in the hope that the goodly heritage of our freedom may descend from us to posterity, as we received it, excellent and unimpaired.

Be it further resolved, That we have seen, with emotions of much concern, the protracted delay of the French Government to render justice to this nation for its outrageous depredations upon us, and that we will afford to the constituted authorities, in whose wisdom and firmness we place confident reliance, our utmost support in their efforts to sustain the honor of the nation, and to obtain suitable amends for its injuries.

Be it further resolved, That, in the opinion of this General Assembly, every republican is now peculiarly called upon, by all honorable and honest motives, to sacrifice, at the shrine of his country, political dissensions and personal animosities, and, with united efforts, to rescue from danger that civil and political liberty, for which our fathers so arduously struggled and so freely bled.

Be it further resolved, That the Governor be requested to transmit to the President of the United States, to the President of the Senate, the Speaker of the House of Representatives, and to our Senators and Representatives in Congress, one copy each of the foregoing declaration and resolutions.

JOHN POLLOCK,
Speaker of the House of Representatives.
THOMAS KIRKER,
Speaker of the Senate.

WEDNESDAY, January 20.

The bill, entitled "An act confirming certain claims to lands in the district of Vincennes," was read the second time, and referred to the committee appointed the 2d of December, on the subject of public lands, to consider and report thereon.

On motion, by Mr. WORTHINGTON, the letter from the Commissioner of the General Land Office, communicated yesterday, together with the report of the Commissioners appointed conformably to "An act to ascertain the western boundary of the district reserved for satisfying the military bounties allowed to the officers and soldiers of the Virginia line on continental establishment," was referred to a select committee, to consist of five members, to consider and report thereon; and Messrs. VARNUM, HOWELL, ANDERSON, BRENT, and LEIB, were appointed the committee.

Mr. GERMAN presented the petition of John Redfield, junior, of the city of New York, an insolvent debtor, imprisoned at the suit of the United States, praying to be discharged; and the petition was read, and referred to the committee who have under consideration the petition of William Nexsen, junior, to consider and report thereon by bill or otherwise.

The Senate resumed the consideration of the motion made yesterday in relation to Treasury notes, subscribed for by the various banks; and agreed thereto.

AMENDMENT TO THE CONSTITUTION.

Mr. TURNER, in pursuance of instructions from the Legislature of the State of North Carolina, submitted the following motion for consideration; which was read, and passed to the second reading:

"Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring therein, That the following amendment to the Constitution of the United States be proposed to the Legislatures of the several States, which, when ratified by the Legislatures of three-fourths of the said States, shall be valid, to all intents and purposes, as a part of the said Constitution:

"That, for the purpose of choosing representatives in the Congress of the United States, each State shall, by its Legislature, be divided into a number of districts, equal to the number of representatives to which such State may be entitled.

"Those districts shall be formed of contiguous territory, and contain, as nearly as may be, an equal number of inhabitants, entitled by the Constitution to be represented; in each district the qualified voters shall elect one representative, and no more.

"That, for the purpose of appointing Electors of President and Vice President of the United States, each State shall, by its Legislature, be divided into a number of districts, equal to the number of Electors to which such State may be entitled: those districts shall be composed of contiguous territory, and contain, as nearly as may be, an equal number of inhabitants, entitled by the Constitution to representation. In each district the persons qualified to vote for representatives shall appoint one Elector, and no more. The Electors, when convened, shall have power, in case one or more of those appointed as above prescribed shall fail to attend for the purposes of their said appointment on the day prescribed for giving their votes for President and Vice President of the United States, to appoint another or others to act in the place of him or them so failing to attend.

"Neither the districts for choosing representatives, nor those for appointing Electors, shall be altered in any State, until a census and apportionment of representatives under it, made subsequent to the division of the State into districts, shall change the number of representatives and of Electors to which such State may be entitled. The division of the States into districts hereby provided for shall take place immediately after this amendment shall be adopted and ratified as a part of the Constitution of the United States, and successively afterwards, whenever by a census and apportionment of representatives and of Electors to which any State may be entitled, shall be changed; the division of such State into districts, for the purposes both of choosing representatives and of appointing Electors, shall be altered agreeably to the provisions of this amendment, and on no other occasion."

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act in addition to the act, entitled 'An act to raise an additional military force,' and for other purposes;" and Mr. ANDERSON was requested to take the Chair; and, after debate, the Senate adjourned.

THURSDAY, January 21.

The motion made yesterday to amend the Constitution of the United States on the mode of electing representatives and Electors, was read the second time, and referred to a select committee, to consist of seven members, to consider and report thereon; and Messrs. TURNER, LLOYD, BAYARD, GOODRICH, GILES, POPE, and TAIT, were appointed the committee.

Mr. SMITH, of Maryland, from the committee to whom was referred the joint resolution relative to the brilliant achievements of Captains Hull, Decatur, and Jones, reported it with an amendment.

Mr. TAIT gave notice that to-morrow he should ask leave to bring in a bill to revive and continue in force "An act declaring the consent of Congress to an act of the State of Georgia, passed the 12th of December, 1804, establishing the fees of the harbormaster and health officer of the ports of Savannah and St. Mary's."

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act in addition to the act, entitled 'An act to raise an additional military force, and for other purposes."

On motion, by Mr. LEIB, to strike out, section 1, lines 6 and 7, the words "one year," for the purpose of inserting a longer time, a division was called for, and, on the question to strike out, it was determined in the affirmative—yeas 19, nays 16, as follows:

YEAS—Messrs. Bayard, Bradley, Campbell of Ohio,

Dana, Gaillard, German, Giles, Gilman, Goodrich, Gregg, Horsey, Howell, Hunter, Lambert, Leib, Lloyd, Pope, Reed, and Smith, of Maryland.

NAYS—Messrs. Anderson, Bibb, Brent, Campbell, of Tennessee, Crawford, Cutts, Franklin, Magruder, Posey, Robinson, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

On motion, by Mr. LEIB, to insert, in lieu of the words stricken out, the words "during the war," it was determined in the negative—yeas 15, nays 20, as follows:

YEAS—Messrs. Bayard, Bradley, German, Giles, Gilman, Goodrich, Gregg, Horsey, Hunter, Lambert, Leib, Lloyd, Pope, Reed, and Smith of Maryland.

NAYS—Messrs. Anderson, Bibb, Brent, Campbell of Ohio, Campbell of Tennessee, Crawford, Cutts, Dana, Gaillard, Howell, Magruder, Posey, Robinson, Smith, of New York, Tait, Taylor, Turner, Varnum, and Worthington.

A message from the House of Representatives informed the Senate that the House have passed the bill which originated in the Senate, entitled "An act authorizing the admission, under certain circumstances, of vessels owned by citizens of the United States of America, with their cargoes, from British ports beyond the Cape of Good Hope, with amendments; in which they request the concurrence of the Senate. They have passed a bill, entitled "An act giving the right of pre-emption in the purchase of lands to certain settlers in the Illinois Territory," in which bill they also request the concurrence of the Senate.

FRIDAY, January 22.

Mr. SMITH, of Maryland, on behalf of the managers at the conference on the bill, entitled "An act in addition to the act concerning letters of marque, prizes, and prize goods," reported that, having met the managers on the part of the House of Representatives, they could come to no agreement.

Mr. TAIT asked and obtained leave to bring in a bill to revive and continue in force "An act declaring the consent of Congress to an act of the State of Georgia, passed the 12th of December, 1804, establishing the fees of the harbormaster and health officer of the ports of Savannah and St. Mary's." And the bill was read, and passed to the second reading.

The bill brought up yesterday for concurrence was read, and passed to the second reading.

The amendments of the House of Representatives to the bill, entitled "An act authorizing the admission, under certain circumstances, of vessels owned by citizens of the United States of America, with their cargoes, from British ports beyond the Cape of Good Hope," was read, and the consideration thereof postponed until to-morrow.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for the relief of John Dixon and John Murray," in which they request the concurrence of the Senate.

The bill last mentioned was read, and passed to the second reading.

ADDITIONAL MILITARY FORCE.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act in addition to the act, entitled 'An act to raise an additional military force, and for other purposes."

On motion, by Mr. GERMAN, to insert, in lieu of the words stricken out, the words "five years," it was determined in the negative—yeas 15, nays 20, as follows:

YEAS—Messrs. Bayard, Bradley, German, Giles, Gilman, Gregg, Horsey, Hunter, Lambert, Leib, Lloyd, Pope, Reed, and Smith of Maryland.

NAYS—Messrs. Anderson, Bibb, Brent, Campbell of Ohio, Campbell of Tennessee, Crawford, Cutts, Dana, Franklin, Gaillard, Howell, Magruder, Posey, Robinson, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

On motion, by Mr. SMITH, of Maryland, to fill the blank with the words "three years," it was determined in the negative—yeas 15, nays 20, as follows:

YEAS—Messrs. Bayard, Bradley, German, Giles, Gilman, Goodrich, Gregg, Horsey, Hunter, Lambert, Leib, Lloyd, Pope, Reed, and Smith of Maryland.

NAYS—Messrs. Anderson, Bibb, Brent, Campbell of Ohio, Campbell of Tennessee, Crawford, Cutts, Dana, Franklin, Gaillard, Howell, Magruder, Posey, Robinson, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

On motion, by Mr. CAMPBELL, of Ohio, to fill the blank with the words "eighteen months," it was determined in the negative—yeas 11, nays 24, as follows:

YEAS—Messrs. Bayard, Bradley, Campbell of Ohio, Crawford, Gaillard, Gilman, Gregg, Horsey, Howell, Leib, and Pope.

NAYS—Messrs. Anderson, Bibb, Brent, Campbell of Tennessee, Cutts, Dana, Franklin, German, Giles, Goodrich, Hunter, Lambert, Lloyd, Magruder, Posey, Reed, Robinson, Smith of Maryland, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

On motion, by Mr. SMITH, of Maryland, to strike out the 4th section of the bill, which provides that the officers, other than field officers, shall be appointed by the President, without the advice and consent of the Senate; and, on his motion, it was agreed to take the question by yeas and nays; and, after debate, the Senate adjourned.

SATURDAY, January 23.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of
Representatives of the United States:

I transmit, for the information of Congress, copies of a correpondence between John Mitchell, agent for American prisoners of war at Halifax, and the British Admiral commanding at that station.

I transmit, for the like purpose, copies of a letter from Commodore Rodgers to the Secretary of the Navy. JAMES MADISON.

JANUARY 22, 1812.

The Message and documents were read.

Mr. MAGRUDER, from the committee to whom was recommitted the bill for the relief of Lewis Chacherie, reported it amended.

The PRESIDENT communicated the memorial of a number of citizens of the Mississippi Territory, praying all proceedings in Congress relative to the admission of the said Territory into the Union as an independent State, may for the present be postponed, for reasons stated at large in the memorial; which was read, and referred to the committee to whom was recommitted, on the 5th instant, the bill, entitled "An act to enable the people of the Mississippi Territory to form a constitution and State government, &c.," to consider and report thereon.

Mr. BIBB presented the memorial of John Tayloe, and others, praying a charter of incorporation to a company for the establishment of a bank in the City of Washington; and the memorial was read.

The bill to revive and continue in force "An act declaring the consent of Congress to an act of the State of Georgia, passed the 12th day of December, 1804, establishing the fees of the harbormaster and health officer of the ports of Savannah and St. Mary's," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. TAIT, ANDERSON, and BRADLEY, were appointed the committee.

The bill, entitled "An act giving a right of pre-emption in the purchase of lands to certain settlers in the Illinois Territory," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. POPE, ANDERSON, and BRADLEY, were appointed the committee.

The bill, entitled "An act for the relief of John Dixon and John Murray," was read the second time.

Mr. GILES gave notice that, on Monday, he would ask leave to bring in a bill to alter the county authorized by law to recruits hereafter to be enlisted in the Army of the United States.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act in addition to the act, entitled 'An act to raise an additional military force, and for other purposes."

The motion made yesterday to strike out the 4th section of the bill was withdrawn; and, after debate, the PRESIDENT resumed the Chair, and Mr. ANDERSON reported the bill amended.

On motion, by Mr. POPE, to strike out, in section one, the following words: "as in the opinion of the President may be necessary," it was determined in the negative—yeas 10, nays 24, as follows:

YEAS—Messrs. Dana, German, Giles, Gilman, Lambert, Leib, Lloyd, Pope, Reed, and Smith of Maryland.

NAYS—Messrs. Anderson, Bayard, Bibb, Bradley, Brent, Campbell of Ohio, Campbell of Tennessee, Crawford, Cutts, Franklin, Gaillard, Goodrich, Horsey, Howell, Hunter, Magruder, Posey, Robinson, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

On motion, by Mr. LEIB, that the Senate concur in the amendment made in Committee of the Whole, to wit: to strike out of section one, lines six and seven, the words "one year," it was determined in the negative—yeas 16, nays 19, as follows:

YEAS—Messrs. Bayard, Bradley, Dana, German, Giles, Gilman, Goodrich, Gregg, Horsey, Hunter, Lambert, Leib, Lloyd, Pope, Reed, and Smith of Maryland.

NAYS—Messrs. Anderson, Bibb, Brent, Campbell of Ohio, Campbell of Tennessee, Crawford, Cutts, Franklin, Gaillard, Howell, Magruder, Posey, Robinson, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

On the question, Shall this bill be read a third time as amended? it was determined in the affirmative—yeas 20, nays 14, as follows:

YEAS—Messrs. Anderson, Bibb, Brent, Campbell of Ohio, Campbell of Tennessee, Crawford, Cutts, Franklin, Gaillard, Howell, Magruder, Posey, Reed, Robinson, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

NAYS—Messrs. Bradley, Dana, German, Giles, Gilman, Goodrich, Gregg, Horsey, Hunter, Lambert, Leib, Lloyd, Pope, and Smith of Maryland.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

I transmit to the Senate a report of the Secretary of the Treasury, complying with their resolution of the 20th instant.

JAMES MADISON.

JANUARY 23, 1813.

The Message and report were read, and ordered to be printed for the use of the Senate,

---

MONDAY, January 25.

The PRESIDENT communicated the memorial of a number of citizens of the Mississippi Territory, praying all proceedings in Congress relative to the admission of the Mississippi Territory into the Union as an independent State may be postponed, for reasons stated at large in the memorial; which was read, and referred.

The Senate resumed the consideration of the amendments of the House of Representatives to the bill, entitled "An act authorizing the admission, under certain circumstances, of vessels owned by citizens of the United States of America, with their cargoes, from British ports beyond the Cape of Good Hope." Whereupon,

Resolved, That they concur therein.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Lewis Chacherie, together with the amendment reported thereto by the select committee.

Mr. VARNUM was requested to take the Chair, and the amendment reported by the select committee having been rejected, the PRESIDENT resumed the Chair; and, on the question, Shall this bill be engrossed and read a third time? it was determined in the affirmative.

The amendment to the bill, entitled "An act in addition to the act, entitled 'An act to raise an

additional military force, and for other purposes," was reported by the committee correctly engrossed, and the bill was read a third time as amended.

On the question, Shall this bill pass as amended? it was determined in the affirmative—yeas 20, nays 14, as follows:

YEAS—Messrs. Anderson, Bibb, Brent, Campbell of Ohio, Campbell of Tennessee, Crawford, Cutts, Franklin, Gaillard, Howell, Magruder, Posey, Reed, Robinson, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

NAYS—Messrs. Bayard, Bradley, Dana, Giles, Gilman, Goodrich, Gregg, Horsey, Hunter, Lambert, Leib, Lloyd, Pope, and Smith of Maryland.

So it was *Resolved*, That this bill pass with an amendment.

Mr. GILES asked leave to bring in a bill to alter the bounty authorized by law to the recruits hereafter to be enlisted for the Army of the United States; and, on the question, that leave be given, it was determined in the negative—yeas 11, nays 20, as follows:

YEAS—Messrs. Bibb, Franklin, Gaillard, Giles, Howell, Leib, Posey, Reed, Robinson, Smith of Maryland, and Varnum.

NAYS—Messrs. Anderson, Bayard, Bradley, Brent, Campbell of Ohio, Campbell of Tennessee, Crawford, Gilman, Goodrich, Horsey, Hunter, Lambert, Lloyd, Magruder, Pope, Smith of New York, Tait, Taylor, Turner, and Worthington.

Mr. BAYARD presented the petition of Alexander Phœnix, of the city of New York, an insolvent debtor, imprisoned at the suit of the United States, praying to be discharged; and the petition was read, and referred to the committee who have under consideration the petition of William Nexsen, junior, to consider and report thereon by bill or otherwise.

TUESDAY, January 26.

Mr. TAIT, from the committee to whom was referred, on the 23d instant, the bill to revive and continue in force "An act declaring the consent of Congress to an act of the State of Georgia, passed the 12th day of December, 1804, establishing the fees of the harbormaster and health officer of the ports of Savannah and St. Mary's," reported it amended.

Mr. BAYARD gave notice that, to-morrow, he should ask leave to bring in a bill to increase the salary of the district judge of the District of Delaware.

The Senate resumed the consideration of the joint resolution relative to the brilliant achievements of Captains Hull, Decatur, and Jones, together with the amendment reported thereto by the select committee; and, having agreed to the amendment, on the question, Shall this resolution be read a third time as amended? it was determined in the affirmative.

The Senate resumed the consideration of the bill, entitled "An act for the relief of John Dixon and John Murray; and, on motion by Mr. BAYARD, it was referred to a select committee, to consider and report thereon; and Messrs. TAYLOR, SMITH, of Maryland, and FRANKLIN, were appointed the committee.

The PRESIDENT communicated a letter from the Secretary for the Department of the Treasury, transmitting a statement of the moneys expended during the year 1812, for the discharge of miscellaneous claims, not otherwise provided for; and a statement of the contracts made during that year, by or under the direction of the Secretary of the Treasury. And the letter and accompanying documents were read.

Mr. BRADLEY, from the committee to whom was referred the bill, entitled "An act for the relief of Jared Shattuck," reported it without amendment.

The bill for the relief of Lewis Chacherie was read a third time, and passed.

A message from the House of Representatives informed the Senate that the House have passed the bill which originated in the Senate, entitled "An act supplementary to an act, entitled 'An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for those purposes," with amendments; in which they request the concurrence of the Senate.

The amendment to the joint resolution relative to the brilliant achievements of Captains Hull, Decatur, and Jones, having been reported by the committee correctly engrossed, the resolution was read a third time as amended; and the title thereof was amended, to read as follows: "A resolution relative to the brilliant achievements of Captains Hull, Decatur Jones, and Lieutenant Elliott."

Resolved, That this resolution pass with amendments.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of Jared Shattuck;" and, after debate, adjourned.

WEDNESDAY, January 27.

The Senate resumed the consideration of the amendments of the House of Representatives to the bill, entitled "An act supplementary to an act, entitled 'An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, repel invasions, and to repeal the act now in force for those purposes;" and

Resolved, That they be referred to the committee appointed the 9th day of November last, on so much of the Message of the President of the United States as relates to a revision of the militia laws, to consider and report thereon.

A message from the House of Representatives informed the Senate that they have passed a bill, entitled "An act authorizing a loan for a sum not exceeding sixteen millions of dollars;" a bill, entitled "An act authorizing the issuing of Treasury notes for the service of the year 1813;" also, a bill, entitled "An act regulating pensions to persons on board private armed ships;" in which bills they request the concurrence of the Senate.

The bills last brought up for concurrence were read, and passed to the second reading.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act for the relief of Jared Shattuck. On motion, by Mr. CRAWFORD, to strike out all the bill, after the word "that," in the enacting clause, it was determined in the negative—yeas 14, nays 19, as follows:

YEAS—Messrs. Anderson, Bibb, Crawford, Cutts, Franklin, Gaillard, Howell, Leib, Lloyd, Tait, Taylor, Turner, Varnum, and Worthington.

NAYS—Messrs. Bayard, Bradley, Campbell of Tennessee, Dana, German, Giles, Gilman, Goodrich, Gregg, Horsey, Hunter, Lambert, Magruder, Pope, Posey, Reed, Robinson, Smith of Maryland, and Smith of New York.

And no amendments having been made to the bill, it passed to a third reading.

Mr. BAYARD, asked and obtained leave to bring in a bill to increase the salary of the district judge of the Delaware district; which was read, and passed to the second reading.

Mr. LEIB presented the petition of Charles Minifie, praying interest may be allowed him on the balance of account awarded in his favor by the Comptroller of the Treasury, agreeably to the act of the first day of May last; and the petition was read, and referred to a select committee to consider and report thereon; and Messrs. LEIB, TAIT, and BRADLEY, were appointed the committee.

THURSDAY, January 28.

On motion, by Mr. SMITH, of Maryland, the Secretary for the Department of War was directed to report to the Senate, the balance (if any) due to the State of Maryland, on a purchase of arms, made by that State from the United States.

Mr. GREGG, from the committee to whom was referred, on the twelfth instant, the petition of Washington Lee, made a report favorable thereto, and obtained leave to bring in a bill for his relief; which was read, and passed to the second reading.

Mr. POPE, from the committee to whom was referred the bill, entitled "An act giving the right of pre-emption, in the purchase of lands, to certain settlers in the Illinois Territory, reported it amended.

On motion, by Mr. DANA,

Resolved, That a committee be appointed to consider the propriety of giving effect to provisions contained in an act of the 16th of February, 1792, "concerning certain fisheries of the United States, and for the regulation and government of the fishermen employed therein," which, by an act of the twelfth of April, 1800, were continued in force for the term of ten years, from the third day of March, 1800, and until the end of the session of Congress next ensuing the expiration of that term; and that the committee have leave to report by bill, or otherwise.

Ordered, That Messrs. DANA, GILMAN, and LLOYD, be the committee.

Mr. SMITH of New York, presented the petition of Nathaniel G. Ingraham, of the city of New York, an insolvent debtor to the United States, praying to be discharged from imprisonment, for reasons stated therein; and the petition was read, and referred to the committee to whom was referred, on the 11th instant, the petition of Wm. Nexsen, junior, to consider and report thereon.

Mr. BRENT presented the memorial of William Gamble, praying compensation for services rendered the United States in the revenue department; and the memorial was read, and referred to a select committee to consider and report thereon; and Messrs. BRENT, BIBB, and BRADLEY, were appointed the committee.

On motion, by Mr. DANA,

Resolved, That the Secretary of State be directed to lay before the Senate a statement of the whole number of seamen annually registered under the act of the 28th of May, 1796, entitled "An act for the relief and protection of American seamen;" distinguishing the number so registered in each year, according to returns made to the Department of State by collectors of different ports.

The bill to increase the salary of the district judge of the Delaware district was read the second time, and referred to a select committee to consider and report thereon; and Messrs. BAYARD, BIBB, and HUNTER, were appointed the committee.

Mr. BIBB, from the committee to whom was referred the petition of Reuben Attwater, made report; he also asked and obtained leave to bring in a bill for the relief of Reuben Attwater, which was read and passed to the second reading.

The bill, entitled "An act authorizing a loan for a sum not exceeding sixteen millions of dollars," was read the second time, and referred to a select committee to consider and report thereon; and Messrs. ANDERSON, BAYARD, FRANKLIN, BIBB, and TAIT, were appointed the committee.

The bill, entitled "An act authorizing the issuing of Treasury notes for the service of the year 1813, was read the second time, and referred to the committee last mentioned, to consider and report thereon.

The bill, entitled "An act regulating pensions to persons on board private armed ships," was read the second time.

The bill, entitled "An act for the relief of Jared Shattuck," was read the third time. On motion, by Mr. TAYLOR, to postpone the further consideration thereof until the first Monday in December next, it was determined in the negative—yeas 14, nays 19, as follows:

YEAS—Messrs. Anderson, Bibb, Campbell of Ohio, Crawford, Cutts, Franklin, Gaillard, Howell, Leib, Lloyd, Tait, Taylor, Varnum, and Worthington.

NAYS—Messrs. Bayard, Bradley, Campbell of Tennessee, Dana, German, Giles, Gilman, Goodrich, Gregg, Horsey, Hunter, Lambert, Magruder, Pope, Posey, Reed, Robinson, Smith of Maryland, and Smith of New York.

On the question, Shall this bill pass? it was determined in the affirmative—yeas 19, nays 15, as follows:

YEAS—Messrs. Bayard, Bradley, Campbell of Ten-

nessee, Dana, German, Giles, Goodrich, Gregg, Horsey, Hunter, Lambert, Magruder, Pope, Posey, Reed, Robinson, Smith of Maryland, and Smith of New York.

NAYS—Messrs. Anderson, Bibb, Campbell of Ohio, Crawford, Cutts, Franklin, Gaillard, Howell, Leib, Lloyd, Tait, Taylor, Varnum, and Worthington.

So it was *Resolved*, That this bill pass.'

Mr. LEIB presented the memorial of Richard Dodd, and Elijah Bryan, now of Philadelphia, praying to be relieved from the penalty of a bond given by them on the importation of certain goods, subsequent to the repeal of the British Orders in Council; and the memorial was read, and referred to a select committee, to consider and report thereon; and Messrs. LEIB, BRADLEY, and GOODRICH, were appointed the committee.

Mr. LEIB also presented the memorial of William Compton, of a similar nature to that last mentioned; which was read, and referred to the same committee, to consider and report thereon.

Mr. SMITH, of Maryland, submitted the following motion for consideration:

Resolved, That the Secretary of the Treasury be directed to report to the Senate a statement of the specific articles, the produce and manufacture of the United States, exported to the dominions of Spain, for the year ending on the 30th day of September, 1812, if practicable; if not, for the year ending on the 30th day of September, 1811, with the value thereof.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to revive and continue in force "An act declaring the consent of Congress to an act of the State of Georgia, passed the 12th day of December, 1804, establishing the fees of the harbormaster and health officer of the ports of Savannah and St. Mary's;" and Mr. VARNUM was requested to take the Chair; and, the bill having been amended, the President resumed the Chair; and, on the question, Shall this bill be engrossed and read a third time as amended? it was determined in the affirmative.

FRIDAY, January 29.

The bill to revive and continue in force "An act declaring the consent of Congress to an act of the State of Georgia, passed the 12th day of December, 1804, establishing the fees of the harbormaster and health officer of the ports of Savannah and St. Mary's," was read a third time, and passed.

Mr. VARNUM, from the committee to whom was referred the amendments to the bill, entitled "An act supplementary to an act, entitled 'An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for those purposes,'" made report. Whereupon, the Senate concurred in the said amendments.

The bill for the relief of Washington Lee was read the second time.

The bill for the relief of Reuben Attwater was read the second time.

The Senate resumed the consideration of the motion made yesterday on the subject of exports to Spain; and the further consideration thereof was postponed until to-morrow.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act giving the right of pre-emption in the purchase of lands to certain settlers in the Illinois Territory," together with the amendment reported thereto by the select committee; and Mr. BRADLEY was requested to take the Chair; and the amendment having been agreed to, the President resumed the Chair; and on the question Shall this bill be read a third time as amended? it was determined in the affirmative.

Mr. LEIB, from the committee to whom the subject was referred, reported a bill for the further relief of Charles Minifie; which was read and passed to the second reading.

Mr. GERMAN, from the committee to whom the subject was referred on the 11th instant, asked and obtained leave to bring in a bill for the relief of John Redfield, junior; which was read, and passed to the second reading.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act regulating pensions to persons on board private armed ships;" and Mr. FRANKLIN was requested to take the Chair.

On motion, by Mr. ANDERSON, the bill was referred to the committee appointed the 9th November last, "on so much of the Message of the President of the United States as relates to the Naval Establishment," to consider and report thereon.

SATURDAY, January 30.

The bill for the further relief of Charles Minifie was read the second time.

The bill for the relief of John Redfield, junior, was read the second time.

The motion made on the 28th instant, on the subject of exports to Spain, was resumed and agreed to.

The Senate resumed, as in Committee of the Whole, the bill for the relief of Washington Lee; and Mr. BRADLEY was requested to take the Chair; and no amendment having been agreed to, the President resumed the Chair.

On the question, Shall this bill be engrossed and read a third time? it was determined in the affirmative.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of Reuben Attwater, and Mr. GAILLARD was requested to take the Chair; and, no amendment having been agreed to, the President resumed the Chair.

On the question, Shall this bill be engrossed and read a third time? it was determined in the affirmative.

The amendment to the bill, entitled "An act giving the right of pre-emption in the purchase of lands to certain settlers in the Illinois Territory," having been reported by the committee correctly engrossed, the bill was read a third time, and passed.

Mr. MAGRUDER, from the committee appointed the 2d December last, on the subject of public lands, reported a bill giving further time to the purchasers of public lands northwest of the river Ohio further time to complete their payments; which was read and passed to the second reading.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for the relief of Royal Converce," in which they ask the concurrence of the Senate.

The bill last brought up for concurrence was read, and passed to the second reading.

Mr. BAYARD, from the committee to whom was referred the bill increasing the salary of the district judge of the Delaware district, reported it amended.

Mr. LEIB, from the committee to whom the subject was referred, reported a bill establishing the discipline of the Army of the United States, and for other purposes; which was read, and passed to the second reading.

MONDAY, February 1.

The bill giving further time to the purchasers of public land northwest of the river Ohio to complete their payments, was read the second time.

The PRESIDENT communicated the memorial of Peter Charles L'Enfant, late a principal engineer and major in the Revolutionary Army of the United States, together with statements explaining his services in planning the City of Washington, and supervising the public buildings, and praying compensation; and the memorial was read.

The PRESIDENT also communicated the report of James Monroe, acting Secretary for the Department of War, made conformably to a resolution of the Senate of the 28th of January, showing the balance due to the State of Maryland on a purchase of arms made by that State from the United States; and the report was read.

The bill, entitled "An act for the relief of Royal Converce," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. BRADLEY, HOWELL, and SMITH, of New York, were appointed the committee.

The bill establishing the discipline of the Army of the United States, and for other purposes, was read the second time.

The bill for the relief of Washington Lee was read the third time, and passed.

The bill for the relief of Reuben Attwater was read the third time, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the further relief of Charles Minifie; and the further consideration thereof was postponed until to-morrow.

A message from the House of Representatives informed the Senate that they have passed a bill supplementary to "An act making provision for arming and disciplining the whole body of the militia of the United States, and for classing the same;" in which they request the concurrence of the Senate.

The bill last brought up for concurrence was read, and passed to the second reading.

Mr. BAYARD presented the memorial of Oliver Evans, in reply to the allegations contained in the memorial of John Worthington and others, presented the 11th of January last, and praying that the decisions on his patents may be referred to the judicial tribunals of the United States; and the memorial was read, and referred to the committee who have under consideration the above-mentioned memorial of John Worthington and others, to consider and report thereon.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of Representatives of the United States:

At the request of the Legislature of Pennsylvania, conveyed through the Governor of that State, I transmit to Congress copies of its resolutions of the 16th of December, 1812.

JAMES MADISON.

JANUARY 30, 1813.

The Message and resolutions were read.

TUESDAY, February 2.

Mr. ANDERSON, from the committee to whom was referred the bill, entitled "An act authorizing a loan for a sum not exceeding sixteen millions of dollars," reported it without amendment.

Mr. SMITH, of Maryland, from the committee to whom was referred the bill, entitled "An act regulating pensions to persons on board private armed ships," reported it without amendment.

Mr. BRADLEY, from the committee to whom was referred the bill, entitled "An act for the relief of Royal Converce," reported it without amendment.

The bill, entitled "An act supplementary to an act making provision for arming and equipping the whole body of the militia of the United States, and for classing the same," was read the second time, and referred to the committee who had under consideration, on the 9th of November, so much of the Message of the President of the United States as relates to a revision of the militia laws thereof, to consider and report thereon.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the further relief of Charles Minifie; and no amendment having been agreed to, on the question, Shall this bill be engrossed and read a third time? it was determined in the negative—yeas 10, nays 18, as follows:

YEAS—Messrs. Bradley, German, Gregg, Hunter, Leib, Lloyd, Pope, Reed, Robinson, and Taylor.

NAYS—Messrs. Anderson, Bibb, Campbell of Ohio, Campbell of Tennessee, Crawford, Cutts, Franklin, Gaillard, Giles, Gilman, Horsey, Howell, Lambert, Magruder, Posey, Tait, Varnum, and Worthington.

Mr. CAMPBELL, of Tennessee, from the committee appointed the 9th of November, to whom

the subject was referred, further reported a bill vesting in the President of the United States the power of retaliation in cases therein specified; and the bill was read, and passed to the second reading.

The bill is as follows:

A Bill vesting in the President of the United States the power of retaliation in the cases therein specified.

Be it declared and enacted, &c., That if any citizen of the United States, in the military service of the United States, or of any individual State, or serving on board any public ship of war, or any private armed vessel commissioned for war, who has been, or shall be taken prisoner by the enemy, has been, or shall be subjected to capital or other punishment, by order of the British Government, or of any court, officer, or agent, acting under its authority, on the pretence of his having been born within the British dominions, or on any pretence whatever, not warranted by the laws and usages of war, among civilized nations, it shall be lawful for the President of the United States, and he is hereby empowered and required, in every such case, to cause retaliation, by a like punishment, to be executed on some person taken in arms, in the service of Great Britain, against the United States, designating for that purpose, in the first instance, a prisoner who having been born within the United States, and having been a citizen thereof, shall have been taken while voluntarily bearing arms in the service of Great Britain against the United States; or if there shall be no prisoner of that description, such other prisoner, being a native of some one of the British colonies, now the United States, as may not have been a citizen of the United States; and in case there shall be no prisoner, or not a sufficient number of prisoners of either of the said descriptions, it shall then be lawful for the President of the United States to cause the retaliations to be executed on any British subject or subjects, wherever found, and whether taken in arms or not, against the United States: *Provided*, That in every case, the act or acts to be retaliated, and the liability of the persons to suffer the retaliation, shall appear to the satisfaction of a court martial, of which three field-officers, at least, shall make a part.

Mr. DANA submitted the following motion for consideration:

"*Resolved*, That, for the benefit of seamen and shipping of the United States, it is proper to establish a system of navigation according to the following principles:

"1. No trading ships or vessels shall be recognised as bearing the flag of the United States in full right, unless known to be registered or enrolled or licensed and officered and manned as may be required by law.

"2. Registered ships or vessels, which may be cleared for foreign voyages, shall have American officers and employ American mariners for such navigation, wholly, or in some proportion not less than a majority of the crew in any case; otherwise, they shall not by law enjoy the privileges of merchant vessels of the United States.

"3. Vessels enrolled and licensed for coasting or fishing shall not continue to enjoy the privileges allowed by law for encouraging the coasting trade and fisheries of the United States, unless the whole, or at least the majority, of the mariners employed on board the same, as well as the masters or skippers, respectively, shall be American citizens by birth or regular adoption.

"4. The mode of proving the citizenship of mariners or apprentices, duly shipped or serving on board such private vessels, shall be directed by law, so that the same may be entitled to credit within the United States.

"5. All American mariners and apprentices, so proved, and belonging to the crew of a merchant vessel of the United States, bound on any foreign voyage permitted by law, shall be comprehended and described in an official document, or sea paper, authenticated for the use of the vessel during the voyage; and, on the vessel's return and arrival within a district of the United States, the production of such document, as well as the vessel's register, or satisfactory proof of its loss, and a specification of the officers and crew, as well as a return of passengers on board, with proof of having continued to employ American seamen, according to law, shall be requisite for enjoying the exemptions and privileges of the navigation of the United States in relation to duties, imposts, charges, or regulations of trade. Documentary evidence of a like nature shall be furnished for enrolled vessels in the coasting trade or fisheries. But no collector shall be permitted to continue the practice of delivering to individual mariners separate certificates of citizenship for personal disposal at pleasure, without designation of voyage or vessel."

WEDNESDAY, February 3.

Mr. MAGRUDER, from the committee to whom was referred the bill, entitled "An act confirming certain claims to lands in the district of Vincennes," reported it without amendment.

The bill vesting in the President of the United States the power of retaliation in the cases therein specified, was read the second time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act authorizing a loan for a sum not exceeding sixteen millions of dollars;" and Mr. VARNUM was requested to take the Chair.

Mr. LLOYD moved to amend the bill; and the President having resumed the Chair, on motion by Mr. ANDERSON, it was agreed that the further consideration of the bill be postponed to, and made the order of the day for, to-morrow.

Mr. BAYARD, from the committee to whom was referred the bill, entitled "An act for the relief of John Dixon and John Murray," reported it without amendment.

Mr. LLOYD presented the petition of Obadiah Rich, praying that leave may be granted him to import a certain quantity of goods from England, for reasons stated at large in the petition which was read, and referred to a select committee, to consider and report thereon; and Messrs. LLOYD, BIBB, and ANDERSON, were appointed the committee.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act authorizing an increase of the capital stock of the Bank of Washington;" a bill, entitled "An act to impose a duty on the importation of iron wire;" also, a bill, entitled

An act giving further time to purchasers of public lands to complete their payments;" in which bills they request the concurrence of the Senate.

On motion, by Mr. BIBB, the memorial of John Tayloe and others, presented the 23d of January, praying the incorporation of a bank in the City of Washington, was referred to a select committee, to consist of five members, to consider and report thereon, by bill or otherwise; and Messrs. BIBB, BAYARD, LEIB, CUTTS, and FRANKLIN, were appointed the committee.

THURSDAY, February 4.

The three bills yesterday brought up for concurrence were read, and passed to the second reading.

The PRESIDENT communicated a report from the Secretary for the Department of Treasury, exhibiting the sums respectively paid to each clerk, in the several offices of that Department, for services rendered in the year 1812; made in obedience to the provisions of the act of April 21, 1806, "to regulate and fix the compensation of clerks;" and the report was read.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act authorizing a loan for a sum not exceeding sixteen millions of dollars;" and Mr. VARNUM was requested to take the Chair; and on the question to agree to the amendment proposed yesterday by Mr. LLOYD, to wit: "at the end of the first section, add the following proviso: That the stock to be created by virtue of this act shall not bear a greater rate of interest than six per cent. per annum, and that it shall not be sold at a rate below par:"

On motion, by Mr. BRADLEY, to amend the proposed amendment, by striking out the word "six;" it was determined in the negative—yeas 8, nays 25, as follows:

YEAS—Messrs. Bradley, Campbell of Tennessee, and Pope.

NAYS—Messrs. Anderson, Bibb, Crawford, Cutts, Franklin, Gaillard, Gilman, Goodrich, Gregg, Horsey, Howell, Hunter, Lambert, Lloyd, Magruder, Posey, Reed, Robinson, Smith of Maryland, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

On the question to agree to the original motion, it was determined in the negative—yeas 10, nays 22, as follows:

YEAS—Messrs. Bradley, German, Gilman, Goodrich, Horsey, Hunter, Lambert, Lloyd, Pope, and Reed.

NAYS—Messrs. Anderson, Bibb, Campbell of Ohio, Campbell of Tennessee, Crawford, Cutts, Dana, Franklin, Gaillard, Giles, Gregg, Howell, Magruder, Posey, Robinson, Smith of Maryland, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

And no amendment having been agreed to, the President resumed the Chair; and, on the question, Shall this bill be read a third time? it was determined in the affirmative—yeas 24, nays 7, as follows:

YEAS—Messrs. Anderson, Bayard, Bibb, Campbell of Ohio, Campbell of Tennessee, Crawford, Cutts, Franklin, Gaillard, Giles, Gregg, Howell, Magruder, Pope, Posey, Reed, Robinson, Smith of Maryland, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

NAYS—Messrs. Dana, German, Gilman, Goodrich, Horsey, Hunter, and Lloyd.

FRIDAY, February 5.

JAMES BROWN, appointed a Senator by the State of Louisiana, in the place of JOHN NOEL DETREHAN, resigned, produced his credentials, was qualified, and he took his seat in the Senate.

On motion, by Mr. DANA,

Ordered, That there be printed, for the use of the Senate, copies of the following correspondence, as communicated with a report from the Department of State, dated the 27th of February, 1798, and among the public papers in the office of the Secretary of the Senate, viz: Duplicate from Mr. King, Minister Plenipotentiary of the United States at London, to Mr. Pickering, Secretary of State, dated December 10th, 1796, communicating a letter of the 3d November, 1796, to Mr. King, signed Grenville, and a circular letter of the 18th November, 1796, to Consuls of the United States, signed Rufus King; also, a letter of the 28th January, 1797, from Mr. King to Lord Grenville, and a letter in answer, dated Downing Street, March 27th, 1797.

The bill vesting in the President of the United States the power of retaliation in the cases therein specified, was read the second time.

The bill, entitled "An act authorizing an increase of the capital stock of the Bank of Washington," was read the second time.

The bill, entitled "An act giving further time to purchasers of public lands to complete their payments," was read the second time, and referred to the committee appointed on the 2d December, on the subject of public lands, to consider and report thereon.

The bill, entitled "An act to impose a duty on the importation of iron wire," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. LLOYD, SMITH, of Maryland, and TAYLOR, were appointed the committee.

The PRESIDENT communicated a letter from the Secretary for the Department of Treasury, with a statement of the exports to the dominions of Spain, for the year ending on the 30th day of September, 1812, prepared in conformity with the resolution of the Senate of the 30th of January last; which were read, and ordered to be printed for the use of the Senate.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act confirming certain claims to lands in the district of Vincennes;" and no amendment having been agreed to, the bill was ordered to a third reading.

On motion, it was agreed that the propositions

submitted on the 2d instant, on the subjects of American ships and seamen, be made the order of the day for Monday next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act regulating pensions to persons on board private armed ships; and no amendment having been agreed to, the bill was ordered to a third reading.

The bill from the House of Representatives, entitled "An act authorizing a loan for a sum not exceeding sixteen millions of dollars," was read a third time.

On the question, Shall this bill pass? it was determined in the affirmative—yeas 22, nays 9, as follows:

YEAS—Messrs. Anderson, Bayard, Bibb, Campbell of Ohio, Campbell of Tennessee, Crawford, Cutts, Franklin, Gaillard, Giles, Gregg, Howell, Magruder, Reed, Robinson, Smith of Maryland, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

NAYS—Messrs. Bradley, Dana, German, Gilman, Goodrich, Horsey, Hunter, Lambert, and Lloyd.

So it was *Resolved*, That this bill pass.

The bill for the relief of John Redfield, jr., was resumed, as in Committee of the Whole; and no amendment having been agreed to, on the question, "Shall this bill be engrossed and read a third time?" it was determined in the affirmative.

The Senate resumed, as in Committee of the Whole, the bill increasing the salary of the district judge of the Delaware district, together with the amendments reported thereto by the select committee; and, having agreed to the amendments, the President resumed the Chair; and Mr. VARNUM reported the bill amended.

On the question, Will the Senate concur in the amendments made in Committee of the Whole? as follows:

Strike out, from the word "that," at the end of the second line, to the end of the bill, and, in lieu thereof, insert: "In addition to the respective salaries at present allowed and paid, that, from and after the first day of April next, there shall be allowed annually to the district judge of the Massachusetts district, the sum of two hundred dollars; to the district judge of the Rhode Island district, four hundred dollars; to the district judge of the Pennsylvania district, two hundred dollars; to the district judge of the Delaware district, four hundred dollars; and to the district judge of the North Carolina district, three hundred dollars; to be paid quarter yearly, out of any moneys in the Treasury, not otherwise appropriated."

Change the title—"A bill to increase the salaries of certain district judges."

It was determined in the affirmative—yeas 18, nays 14, as follows:

YEAS—Messrs. Bayard, Bibb, Crawford, Franklin, Giles, Gregg, Horsey, Howell, Hunter, Lloyd, Magruder, Pope, Reed, Smith of Maryland, Tait, Taylor, Turner, and Worthington.

NAYS—Messrs. Anderson, Bradley, Brown, Campbell of Ohio, Campbell of Tennessee, Cutts, Gaillard, German, Goodrich, Lambert, Leib, Robinson, Smith of New York, and Varnum.

On motion, by Mr. CAMPBELL, of Ohio, to amend the bill, by inserting the following words, "to the district judge of the Ohio district, two hundred dollars," it was determined in the negative—yeas 8, nays 24, as follows:

YEAS—Messrs. Anderson, Bibb, Campbell of Ohio, Howell, Pope, Smith of Maryland, Turner, and Worthington.

NAYS—Messrs. Bayard, Bradley, Brown, Campbell of Tennessee, Crawford, Cutts, Franklin, Gaillard, German, Giles, Goodrich, Gregg, Horsey, Hunter, Lambert, Leib, Lloyd, Magruder, Reed, Robinson, Smith of New York, Tait, Taylor, and Varnum.

On the question, "Shall this bill be engrossed and read a third time as amended? it was determined in the affirmative.

MONDAY, February 8.

The bill for the relief of John Redfield, junior, was read a third time, and passed.

The bill increasing the salary of the district judge of the Delaware district was read a third time as amended, and passed.

On motion, by Mr. GAILLARD,

Resolved, That a committee be appointed, to join such committee as may be appointed by the House of Representatives, to ascertain and report a mode of examining the votes for President and Vice President of the United States, and of notifying the persons elected of their election.

Ordered, That Messrs. GAILLARD and SMITH of New York be the committee on the part of the Senate.

The PRESIDENT communicated a report of the Commissioners of the Sinking Fund, stating that the measures which have been authorized by the Board, subsequent to their last report, of the 5th of February, 1812, so far as the same have been completed, are fully detailed in the report of the Secretary of the Treasury to the Board, dated the 5th day of the present month, and in the statements therein referred to, which are herewith transmitted, and prayed to be received as part of this report; and the report was read.

The bill, entitled "An act confirming certain claims to lands in the district of Vincennes," was read a third time, and passed.

The bill, entitled "An act regulating pensions to persons on board private armed ships," was read a third time, and passed.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act altering the time for holding the district court in the district of Maine;" in which bill they request the concurrence of the Senate.

The bill last mentioned was read, and passed to the second reading.

Mr. LEIB presented the petition of Margaret Arundel, widow of Robert Arundel, late a sailing master in the Navy, stating that her late husband was severely wounded in an engagement with the enemy on the Lakes, and was afterwards knocked overboard and drowned, leaving his family destitute, and praying relief; and the petition was read, and referred to a select committee, to consider and report thereon by bill, or otherwise; and

Messrs. LEIB, GREGG, and REED, were appointed the committee.

The Senate resumed the consideration of the propositions submitted on the 2d instant, on the subjects of American ships and seamen; and, having agreed thereto, they were referred to a select committee, to consist of five members, to consider and report thereon by bill, bills, or otherwise; and Messrs. DANA, SMITH of Maryland, LLOYD, TAYLOR, and BIBB, were appointed the committee.

Mr. TURNER, from the committee to whom was referred the resolution proposing an amendment to the Constitution of the United States, respecting the mode of electing Representatives to Congress, and Electors of President and Vice President of the United States, reported it amended.

Mr. ANDERSON, from the committee to whom was referred the bill, entitled "An act authorizing the issuing of Treasury notes for the service of the year 1813," reported it with amendments; and, on his motion, it was agreed that they be the order of the day for to-morrow.

On motion, by Mr. WORTHINGTON, the consideration of the bill giving further time to the purchasers of public lands northwest of the river Ohio to complete their payments, was postponed to Wednesday next.

On motion, by Mr. LEIB, it was agreed that the bill establishing the discipline of the Army of the United States, and for other purposes, be made the order of the day for to-morrow.

On motion, by Mr. CAMPBELL, of Tennessee, the bill vesting in the President of the United States the power of retaliation in the cases therein specified, was made the order of the day for to-morrow.

On motion, by Mr. GREGG, the bill, entitled "An act authorizing an increase of the capital stock of the Bank of Washington," was referred to the committee to whom the petition of the said Bank was referred on the 24th of December last, to consider and report thereon.

TUESDAY, February 9.

The credentials of CHAUNCEY GOODRICH, appointed a Senator by the Legislature of the State of Connecticut, for the term of six years, commencing on the 4th day of March next, were read, and laid on file.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act authorizing the issuing of Treasury notes for the service of the year 1813," together with the amendments reported thereto by the select committee; and Mr. VARNUM was requested to take the Chair; and, after debate, the President resumed the Chair; and, on motion, the further consideration of the bill was postponed until Thursday next.

A message from the House of Representatives informed the Senate that the House concur in the resolution of the Senate for the appointment of a joint committee to ascertain and report a mode of examining the votes for President and Vice President of the United States, and of notifying the persons elected of their election; and have appointed a committee on their part.

The PRESIDENT communicated the report of the Secretary for the Department of War, in compliance with the fifth section of the act to regulate and fix the compensation of clerks, passed April 21st, 1806, exhibiting the names of the clerks employed in that Department in the year 1812, with the sums allowed to each clerk; also, his report comprehending contracts made by him in the year 1812, and those made by the late Purveyor of Public Supplies and the Commissary General of Purchases, at Philadelphia, in the same year, in compliance with the act concerning public contracts, passed April 21st, 1806; and the reports were read.

The Senate resumed, as in Committee of the Whole, the consideration of the bill establishing the discipline of the Army of the United States, and for other purposes; and Mr. GREGG was requested to take the Chair; and, after debate, the President having resumed the Chair, on motion, it was agreed that the further consideration of the bill be postponed to, and made the order of the day for, Thursday next.

Mr. LLOYD, from the committee appointed thereon, reported the bill from the House of Representatives, entitled "An act to impose a duty on the importation of iron wire," without amendment.

Mr. GAILLARD, from the joint committee appointed on the 8th instant, to ascertain and report a mode of examining the votes for President and Vice President of the United States, and of notifying the persons elected of their election, reported, in part, the following resolution; which was read and agreed to:

Resolved, That the two Houses shall assemble in the Chamber of the House of Representatives on Wednesday next, at 12 o'clock; that one person be appointed a teller on the part of the Senate, to make a list of the votes as they shall be declared; that the result shall be delivered to the President of the Senate, who shall announce the state of the vote, and the persons elected, to the two Houses, assembled as aforesaid, which shall be deemed a declaration of the persons elected President and Vice President; and, together with a list of the votes, be entered on the Journals of the two Houses.

Ordered, That Mr. GAILLARD be appointed a teller of the ballots, on the part of the Senate, agreeably to the foregoing resolution.

The Senate resumed, as in Committee of the Whole, the consideration of the bill vesting in the President of the United States the power of retaliation in the cases therein specified; and, after debate, the further consideration of the bill was postponed to, and made the order of the day for, Thursday next.

WEDNESDAY, February 10.

Mr. GERMAN, from the committee to whom the several petitions were referred, reported a bill for the relief of Nathaniel G. Ingraham, Alex-

ander Phœnix, and William Nexsen, jr.; and the bill was read, and passed to the second reading.

COUNTING ELECTORAL VOTES.

A message from the House of Representatives informed the Senate that the House agree to the report of the joint committee appointed to ascertain and report a mode of examining the votes for President and Vice President of the United States, and of notifying the persons elected of their election, and have appointed Messrs. MACON and TALLMADGE, tellers, on their part.

Ordered, That Mr. FRANKLIN be appointed a teller of the ballots for President and Vice President of the United States, on the part of the Senate, in place of Mr. GAILLARD, absent from indisposition.

A message from the House of Representatives informed the Senate that the House is now ready to attend the Senate in opening the certificates and counting the votes of the Electors of the several States, in the choice of a President and Vice President of the United States, in pursuance of the resolution of the two House of Congress; and that the President of the Senate will be introduced to the Speaker's Chair, by the Speaker of the House of Representatives.

The two Houses of Congress, agreeably to the joint resolution, assembled in the Representatives' Chamber, and the certificates of the Electors of the several States were, by the President of the Senate, opened and delivered to the tellers appointed for the purpose, who, having examined and ascertained the number of votes, presented a list thereof to the President of the Senate, which was read, as follows:

STATES.	President.		V. Prest.	
	Jas. Madison.	De Witt Clinton	Elbridge Gerry.	Jared Ingersoll.
New Hampshire	—	8	1	7
Massachusetts	—	22	2	20
Rhode Island	—	4	—	4
Connecticut	—	9	—	9
Vermont	8	—	8	—
New York	—	29	—	29
New Jersey	—	8	—	8
Pennsylvania	25	—	25	—
Delaware	—	4	—	4
Maryland	6	5	6	5
Virginia	25	—	25	—
North Carolina	15	—	15	—
South Carolina	11	—	11	—
Georgia	8	—	8	—
Kentucky	12	—	12	—
Tennessee	8	—	8	—
Ohio	7	—	7	—
Louisiana	3	—	3	—
Total	128	89	131	86

The whole number of votes being 217, of which 109 makes a majority; JAMES MADISON had for President of the United States 128 votes, and ELBRIDGE GERRY had for Vice President of the United States 131 votes:

Whereupon, the President of the Senate declared JAMES MADISON elected President of the United States, for four years, commencing with the fourth day of March next, and ELBRIDGE GERRY, Vice President of the United States, for four years, commencing on the fourth day of March next.

The votes of the Electors were then delivered to the Secretary of the Senate; the two Houses of Congress separated, and the Senate returned to their own Chamber; and, on motion, adjourned.

THURSDAY, February 11.

The bill for the relief of Nathaniel G. Ingraham, Alexander Phœnix, and William Nexsen, jr., was read the second time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act authorizing the issuing of Treasury notes for the service of the year 1812," together with the amendments reported thereto by the select committee; and Mr. BRADLEY was requested to take the Chair; and, having agreed to the amendments, the President resumed the Chair; and, on motion, the further consideration of the bill was postponed to, and made the order of the day for, to-morrow.

The bill, entitled "An act altering the time for holding the district court in the district of Maine," was read the second time.

On motion, by Mr. SMITH, of New York,

Resolved, That a committee be appointed, to join such committee as may be appointed by the House of Representatives, to wait on the President of the United States and to notify to him his re-election to the office of President of the United States.

Ordered, That Messrs. SMITH, of New York, and FRANKLIN, be the committee on the part of the Senate.

On motion, by Mr. FRANKLIN,

Resolved, That the President of the United States be requested to cause to be transmitted to ELBRIDGE GERRY, Esq., of Massachusetts, Vice President elect of the United States, notification of his election to that office, and that the President of the Senate do make and sign a certificate in the words following, to wit:

"*Be it enacted*, That the Senate and House of Representatives of the United States of America, being convened at the City of Washington, on the second Wednesday of February, in the year of our Lord one thousand eight hundred and thirteen, the underwritten President of the Senate, pro tempore, did, in the presence of the said Senate and House of Representatives, open all the certificates and count all the votes of the Electors for a President and Vice President of the United States; whereupon it appeared that JAMES MADISON, of Virginia, had a majority of the votes of the Electors as President, and ELBRIDGE GERRY, of Mas-

sachusetts, had a majority of the votes of the Electors as Vice President; by all which it appears that JAMES MADISON, of Virginia, has been duly elected President, and ELBRIDGE GERRY, of Massachusetts, has been duly elected Vice President of the United States, agreeably to the Constitution.

"In witness whereof, I have herewith set my hand and caused the seal of the Senate to be affixed, this —— day of February, 1813."

And that the President of the Senate do cause the certificates aforesaid to be laid before the President of the United States, with this resolution.

The Senate resumed the consideration of the bill establishing the discipline of the Army of the United States, and for other purposes; and Mr. GREGG was requested to take the Chair.

On motion, by Mr. LEIB, to amend the bill, by inserting, section 1, line 5, after the word "army," the words "and of the militia," thereby extending the provisions of the bill to the militia as well as army, it was determined in the affirmative—yeas 14, nays 9, as follows:

YEAS—Messrs. Campbell of Tennessee, Crawford, Cutts, Franklin, Giles, Gregg, Howell, Hunter, Leib, Smith of Maryland, Tait, Taylor, Turner, and Worthington.

NAYS—Messrs. German, Gilman, Goodrich, Horsey, Lambert, Lloyd, Reed, Smith of New York, and Varnum.

And the bill having been amended, the President resumed the Chair; and, after debate, on motion, the further consideration of the bill was postponed until Monday next.

Mr. CAMPBELL, of Tennessee, submitted the following motion for consideration:

Resolved, That the Secretary for the Department of War be, and hereby is, directed to prepare and report to the Senate such system of military discipline for the army and militia of the United States as may be approved by him, and which, in his opinion, ought to receive the sanction of law.

The Senate resumed, as in Committee of the Whole, the consideration of the bill vesting in the President of the United States the power of retaliation in the cases therein specified; and Mr. VARNUM was requested to take the Chair; and, after debate, the President resumed the Chair; and the further consideration of the bill was postponed to, and made the order of the day for, to-morrow.

On motion, the bill giving further time to purchasers of public lands northwest of the river Ohio to complete their payments was postponed to Monday next.

FRIDAY, February 12.

On motion, by Mr. TURNER, the resolution proposing an amendment to the Constitution of the United States respecting the mode of electing representatives to Congress and Electors of President and Vice President of the United States, was made the order of the day for Monday next.

The Senate resumed the consideration of the bill, entitled "An act authorizing the issuing of Treasury notes for the service of the year 1813;" and on the question, Shall this bill be read a third time as amended? it was determined in the affirmative.

Mr. POPE presented the memorial of the officers of the first regiment of volunteer light dragoons, from the State of Kentucky, representing that the said regiment had lost in the service of the United States a number of horses, the property of individuals, and praying renumeration; and the memorial was read, and referred.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of John Dixon, and John Murray;" and Mr. VARNUM was requested to take the Chair.

On motion, by Mr. POPE, to postpone the further consideration of the bill to the first Monday in December next, it was determined in the negative—yeas 13, nays 15, as follows:

YEAS—Messrs. Bibb, Bradley, Crawford, Cutts, Franklin, Howell, Pope, Robinson, Smith of New York, Tait, Taylor, Turner, and Varnum.

NAYS—Messrs. Bayard, Brown, German, Giles, Gilman, Goodrich, Horsey, Hunter, Lambert, Leib, Lloyd, Magruder, Reed, Smith of Maryland, and Worthington.

And no amendment having been agreed to, the President resumed the Chair; and on the question, Shall this bill be read a third time? it was determined in the affirmative—yeas 16, nays 12, as follows:

YEAS—Messrs. Bayard, Bibb, Brown, German, Giles, Gilman, Goodrich, Horsey, Hunter, Lambert, Leib, Magruder, Reed, Smith of Maryland, Taylor, and Worthington.

NAYS—Messrs. Bradley, Campbell of Ohio, Campbell of Tennessee, Crawford, Cutts, Franklin, Howell, Robinson, Smith of New York, Tait, Turner, and Varnum.

Mr. DANA, from the committee appointed on the subject, reported a bill concerning seamen and shipping of the United States; and the bill was read, and passed to the second reading.

The Senate resumed, as in Committee of the Whole, the consideration of the bill vesting in the President of the United States the power of retaliation in the cases therein specified.

On motion, by Mr. BAYARD, to postpone the further consideration of the bill until Monday next, it was determined in the affirmative—yeas 15, nays 14, as follows:

YEAS—Messrs. Bayard, Bradley, Dana, German, Giles, Gilman, Goodrich, Gregg, Horsey, Hunter, Lambert, Lloyd, Pope, Reed, and Smith of Maryland.

NAYS—Messrs. Bibb, Campbell of Ohio, Campbell of Tennessee, Crawford, Cutts, Franklin, Howell, Magruder, Robinson, Smith of New York, Taylor, Turner, Varnum, and Worthington.

SATURDAY, February 13.

The PRESIDENT communicated a report of the Secretary of the Navy on moneys transferred during the last recess of Congress from certain appropriations for particular branches of expenditure in that Department, and of the application of such moneys; and the report was read.

The PRESIDENT, communicated the memorial of James Jay, stating, that, during the Revolutionary war, he rendered special services to the public, and advanced moneys to a considerable amount, for which he prays remuneration; and the memorial was read.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act extending the time for issuing and locating military land warrants;" a bill entitled "An act for the regulation of seamen on board the public ships, and in the merchant service of the United States;" a bill entitled "An act to raise ten additional companies of rangers;" also, a bill, entitled "An act making provision for an additional number of general officers;" in which bills they request the concurrence of the Senate.

The House of Representatives concur in the resolution for the appointment of a joint committee to wait on the President of the United States and notify to him his re-election to that office, and have appointed a committee on their part.

The amendments to the bill, entitled "An act authorizing the issuing of Treasury notes for the service of the year 1813," were reported by the committee correctly engrossed; and the bill was read a third time as amended.

On motion, by Mr. LLOYD, that the bill be recommitted, for the purpose of striking out the power to pass the Treasury notes in payment of supplies, and also for striking out that part of the bill which makes the said notes receivable in payment of impost, it was determined in the affirmative—yeas 16, nays 14, as follows:

YEAS—Messrs. Bayard, Bradley, Brown, German, Giles, Gilman, Goodrich, Gregg, Horsey, Hunter, Lambert, Leib, Lloyd, Pope, Reed, and Smith of Maryland.

NAYS—Messrs. Bibb, Campbell of Ohio, Crawford, Cutts, Franklin, Howell, Magruder, Robinson, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

Ordered, That Messrs. BIBB, BAYARD, LLOYD, FRANKLIN, and TAIT, be the committee.

Mr. POPE gave notice that, on Monday next, he should ask leave to bring in a bill for the relief of the representatives of Samuel Lapsley, deceased.

Mr. BRADLEY gave notice that, on Monday next, he should ask leave to bring in a bill to encourage more effectually the destruction of the armed vessels of the enemy entering the ports and harbors of the United States.

Mr. TAYLOR gave notice that, on Monday next, he should ask leave to bring in a bill for the relief of Joseph Brevard.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of Representatives of the United States:

I lay before Congress a statement of the militia of the United States, according to the latest returns received by the Department of War.

JAMES MADISON.

FEBRUARY 13, 1813.

The message and statement were read.

The bill from the House of Representatives entitled "An act for the regulation of seamen on board the public ships and in the merchant service of the United States," was read, and passed to the second reading.

The bill from the House of Representatives, entitled "An act extending the time for issuing and locating military land warrants," was read, and passed to the second reading.

MONDAY, February 15.

Mr. WORTHINGTON presented the petition of the President and Directors of Georgetown and Alexandria Road Company, praying an act may be passed for the better regulation of their tolls, and for sundry other provisions for the improvement of the property, as is stated at large in the petition; which was read, and referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. WORTHINGTON, HORSEY, and SMITH, of Maryland, were appointed the committee.

Mr. POPE asked and obtained leave to bring in a bill for the relief of the representatives of Samuel Lapsley, deceased; and the bill was read, and passed to the second reading.

Mr. WORTHINGTON gave notice that to-morrow he should ask leave to bring in a bill to authorize and empower the President and Managers of the Washington Turnpike Company of the State of Maryland, when organized, to extend and make their turnpike road to or from Georgetown, in the District of Columbia, through the said District, to the line thereof.

The PRESIDENT communicated the report of the Secretary for the Department of the Navy, comprehending contracts made by that Department during the year 1812, prepared in obedience to the act, entitled "An act further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments;" and the report was read.

Mr. BRADLEY, agreeably to notice, introduced the following bill; which was read and passed to a second reading:

A Bill to encourage more effectually the destruction of the armed vessels of the enemy entering the ports and harbors of the United States.

Be it enacted, &c., That if any British armed vessel shall be found within the harbors and waters under the jurisdiction of the United States, during the present war with Great Britain (other than vessels coming as cartels or flags of truce) it may and shall be lawful for any person or persons, in any manner whatsoever, whilst such armed vessel shall so remain within the jurisdiction of the United States, to burn, sink, or destroy, every such armed vessel; and for that purpose to use torpedoes, submarine instruments, or any other destructive machine whatever; and a bounty of one half the value of the armed vessel so burnt, sunk, or destroyed, and also one half of her guns, cargo, tackle, and apparel, shall be paid out of the Treasury of the United States to such person or persons who shall effect the same, otherwise than by the armed or commissioned vessels of the United States.

Mr. MAGRUDER, from the committee on the subject of public land, to whom was referred the

bill, entitled "An act giving further time to purchasers of public lands to complete their payments," reported it amended.

Mr. BRADLEY, from the committee to whom was referred the bill, entitled "An act altering the time and place for holding the circuit and district courts in Vermont," reported it without amendment; and, on his motion, it was postponed to the first Monday in December next.

The PRESIDENT communicated the general account of the Treasurer of the United States from October 1st, 1811, to October 1st, 1812; as, also, the accounts of the War and Navy Departments for the same period, together with the reports of the accounting officers of the Treasury thereon; which were read.

The bill from the House of Representatives, entitled "An act to raise ten additional companies of rangers," was twice read by unanimous consent, and referred to the committee appointed on the 9th of November last, on so much of the Message of the President of the United States as concerns our relations with foreign Powers, to consider and report thereon.

The bill from the House of Representatives, entitled "An act making provision for an additional number of general officers," was read, and passed to the second reading.

The bill concerning seamen and shipping of the United States was read the second time, and made the order of the day for to-morrow.

The bill from the House of Representatives, entitled "An act for the regulation of seamen on board the public ships and in the merchant service of the United States," was read the second time, and referred to a select committee, to consist of five members, to consider and report thereon; and Messrs. GILES, BAYARD, LLOYD, SMITH, of Maryland, and HUNTER, were appointed the committee.

The bill, entitled "An act extending the time for issuing and locating military land warrants," was read the second time.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act supplementary to the act for increasing the Navy," in which bill they request the concurrence of the Senate.

The bill last mentioned was read, and passed to the second reading.

The bill, entitled "An act for the relief of John Dixon and John Murray," was read the third time, and

Resolved, That this bill do not pass.

The Senate resumed, as in Committee of the Whole, the consideration of the resolution proposing an amendment to the Constitution of the United States respecting the mode of electing Representatives to Congress, and Electors of President and Vice President of the United States; and Mr. GREGG was requested to take the Chair; and the amendment reported by the select committee having been agreed to, the President resumed the Chair, and the Senate adjourned.

TUESDAY, February 16.

On motion, by Mr. WORTHINGTON, one of the majority, it was agreed to reconsider the third reading of the bill, entitled "An act for the relief of John Dixon and John Murray;" and on the question, Shall this bill pass? it was determined in the affirmative—yeas 18, nays 13, as follows:

YEAS—Messrs. Bayard, Bibb, Brown, Dana, German, Giles, Gilman, Goodrich, Horsey, Hunter, Lambert, Leib, Lloyd, Pope, Reed, Smith of Maryland, Taylor, and Worthington.

NAYS—Messrs. Campbell of Ohio, Campbell of Tennessee, Crawford, Cutts, Franklin, Gaillard, Gregg, Howell, Robinson, Smith of New York, Tait, Turner, and Varnum.

So it was *Resolved*, That this bill pass.

A message from the House of Representatives informed the Senate that the House of Representatives have passed the bill which originated in the Senate, entitled "An act giving further time for registering claims to lands in the eastern district of the Territory of Orleans, now State of Louisiana," with amendments; in which they request the concurrence of the Senate; and that they have also passed a bill, entitled "An act authorizing the discharge of Daniel Updike from his imprisonment;" and a bill, entitled "An act authorizing the appointment of additional officers in the respective territories of the United States;" also, a bill, entitled "An act for the relief of Samuel Ellis;" in which bills they request the concurrence of the Senate.

The three bills last mentioned were read, and passed to the second reading.

Mr. WORTHINGTON asked and obtained leave to bring in a bill to authorize and empower the President and Managers of the Washington Turnpike Company of the State of Maryland, when organized, to extend and make their turnpike road to or from Georgetown, in the District of Columbia, through the said District to the line thereof; and the bill was twice read by unanimous consent; and referred to the committee appointed yesterday, on the petition of the President and Directors of the Georgetown and Alexandria Road Company, to consider and report thereon.

Mr. TAYLOR asked and obtained leave to bring in a bill for the relief of Joseph Brevard, of South Carolina; and the bill was read, and passed to the second reading.

Mr. SMITH, of New York, from the joint committee appointed for the purpose, reported, that, pursuant to the resolution, the joint committee of the Senate and House of Representatives yesterday waited on the President of the United States, and notified to him his re-election to that office.

Mr. LEIB, from the committee to whom were referred the several memorials of Richard Dodd and Elijah Bryan, and of William Compton, made a report; and, on his motion, the committee were discharged from the further consideration thereof.

The bill for the relief of the representatives of

Samuel Lapsley, deceased, was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. POPE, BAYARD, and BROWN, were appointed the committee.

The bill to encourage more effectually the destruction of armed vessels of the enemy entering the ports and harbors of the United States, was read the second time.

The bill, entitled "An act supplementary to the act for increasing the Navy," was read the second time, and referred to the committee appointed on the 9th of November last, on the Naval Establishment of the United States, to consider and report thereon.

Mr. BRADLEY presented the memorial of the Pennsylvania Society for promoting the abolition of slavery, stating that the laws prohibiting the African slave-trade are violated by American citizens to a very great extent, the flags of foreign nations being employed to protect this traffic, and the ports of those dominions furnishing a market for cargoes thus illegally procured; and praying that means may be devised to restrain more effectually this inhuman practice; and the memorial was read.

The petition of James Jay was referred to a select committee to consider and report thereon; and Messrs. BRENT, GERMAN, and ROBINSON, were appointed the committee.

The bill, entitled "An act making provision for an additional number of general officers," was read the second time, and referred to the committee appointed the 9th of November last, on so much of the Message of the President of the United States as concerns our relations with foreign Powers, to consider and report thereon.

On motion, it was agreed that the resolution proposing an amendment to the Constitution of the United States respecting the mode of electing Representatives to Congress, and Electors of President and Vice President of the United States, be postponed to, and made the order of the day for, to-morrow.

Mr. POPE, from the committee to whom was referred the bill for the relief of the representatives of Samuel Lapsley, deceased, reported it without amendment.

On motion, by Mr. WORTHINGTON, the amendments of the House of Representatives to the bill, entitled "An act giving further time for registering claims to lands in the eastern district of the Territory of Orleans, now State of Louisiana," were referred to the committee appointed on the subject of public lands, to consider and report thereon.

The Senate resumed the consideration of the bill vesting in the President of the United States the power of retaliation in the cases therein specified; and, after debate, the further consideration of the bill was postponed to, and made the order of the day for, to-morrow.

WEDNESDAY, February 17.

Mr. CAMPBELL, of Tennessee, from the committee to whom was referred the bill, entitled "An act to raise ten additional companies of rangers," reported it without amendment.

He also reported, from the same committee, the bill, entitled "An act making provision for an additional number of general officers," without amendment.

The bill for the relief of Joseph Brevard was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. TAYLOR, BAYARD, and POPE, were appointed the committee.

The bill, entitled "An act authorizing the discharge of Daniel Updike from his imprisonment," was read the second time.

The bill, entitled "An act for the relief of Samuel Ellis," was read the second time.

Mr. BRADLEY, from the committee to whom was referred the bill, entitled "An act authorizing an increase of the capital stock of the Bank of Washington," reported it without amendment.

The bill, entitled "An act authorizing the appointment of additional officers in the respective territories of the United States," was read the second time.

Mr. WORTHINGTON, from the committee to whom was referred the bill to authorize and empower the President and managers of the Washington Turnpike Company of the State of Maryland, when organized, to extend and make their turnpike to or from Georgetown, in the District of Columbia, through the said District, to the line thereof, reported it without amendment.

The Senate resumed the consideration of the resolution proposing an amendment to the Constitution of the United States, respecting the mode of electing Representatives to Congress, and Electors of President and Vice President of the United States, together with the amendment to the amendment.

On motion, by Mr. GERMAN, to postpone the further consideration thereof to the first Monday in December next, it was determined in the negative—yeas 9, nays 19, as follows:

YEAS—Messrs. Dana, German, Gilman, Goodrich, Horsey, Hunter, Lambert, Lloyd, and Tait.

NAYS—Messrs. Bayard, Bibb, Brent, Brown, Campbell of Ohio, Campbell of Tennessee, Crawford, Cutts, Franklin, Gaillard, Giles, Howell, Pope, Reed, Smith of Maryland, Taylor, Turner, Varnum, and Worthington.

On motion, by Mr. GERMAN, to amend the amendment, by striking out, from the word "entitled," in the sixth line, to the word "in," in the tenth line, the following words: "Each district shall contain, as nearly as may be, equal numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons," and insert, in lieu thereof, "and the Electors shall be apportioned among the several States according to the whole number of free white persons in each State, including those bound to service for a term of years,"

It was determined in the negative—yeas 7, nays 26, as follows:

YEAS—Messrs. Bradley, Dana, German, Gilman, Goodrich, Lambert, and Lloyd.

NAYS—Messrs. Bayard, Bibb, Brent, Brown, Campbell of Ohio, Campbell of Tennessee, Crawford, Cutts, Franklin, Gaillard, Giles, Gregg, Horsey, Howell, Hunter, Leib, Pope, Reed, Robinson, Smith of Maryland, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

On the question, Shall this resolution be engrossed and read a third time as amended? it was determined in the affirmative.

Mr. TAIT gave notice that he will to-morrow ask leave to bring in a bill to alter the times and places of holding the circuit courts in the sixth judicial circuit of the United States.

Mr. LLOYD gave notice that he will to-morrow ask leave to bring in a bill directing the Secretary of the Treasury to remit certain fines, penalties, and forfeitures, therein mentioned.

The Senate resumed, as in Committee of the Whole, the consideration of the bill vesting in the President of the United States the power of retaliation, in the cases therein specified.

On motion, by Mr. BAYARD, to amend the bill, by striking out from the word "retaliation," in the fourteenth line, to the word "provided," in the twenty-eighth line, the following words: "by a like punishment to be executed on some person taken in arms in the service of Great Britain, against the United States, designating for that purpose, in the first instance, a prisoner, who, having been born within the United States, and having been a citizen thereof, shall have been taken while voluntarily bearing arms in the service of Great Britain, against the United States; or if there shall be no prisoner of that description, such other prisoner, being a native of some one of the British colonies, now the United States, as may not have been a citizen of the United States; and, in case there shall be no prisoner, or not a sufficient number of prisoners of either of the said descriptions, it shall then be lawful for the President of the United States to cause the retaliation to be executed on any British subject or subjects, taken in arms against the United States," for the purpose of inserting, in lieu thereof, the following words: "to be made and inflicted upon one or more subjects of the Crown of the United Kingdom of Great Britain and Ireland, in such manner as in his opinion will be likely to prevent in future the commission of similar outrages or abuses"—

A division of the question was asked for, and taken on striking out, and determined in the negative—yeas 11, nays 17, as follows:

YEAS—Messrs. Bayard, Bradley, Dana, German, Giles, Goodrich, Hunter, Lambert, Lloyd, Reed, and Smith of Maryland.

NAYS—Messrs. Brent, Brown, Campbell of Ohio, Campbell of Tennessee, Crawford, Cutts, Franklin, Gaillard, Howell, Leib, Robinson, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

And the bill having been amended, the President reported it to the House accordingly; and, on the question, Shall this bill be engrossed and read a third time as amended? it was determined in the affirmative—yeas 20, nays 5, as follows:

YEAS—Messrs. Bibb, Brent, Brown, Campbell, of Ohio, Campbell of Tennessee, Crawford, Cutts, Franklin, Gaillard, Howell, Leib, Reed, Robinson, Smith of Maryland, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

NAYS—Messrs. German, Goodrich, Hunter, Lambert, and Lloyd.

THURSDAY, February 18.

The PRESIDENT communicated a letter from William Tatham, in illustration of his documents on the subject of maritime defence, presented on the 24th of December last, which was read; and, on motion by Mr. FRANKLIN, his letters and documents above mentioned, were referred to the Secretary for the Department of War, to consider and report thereon.

Mr. TAIT asked and obtained leave to bring in a bill to alter the times and places of holding the circuit court for the sixth circuit of the United States; and the bill was read, and passed to the second reading.

Mr. LLOYD asked and obtained leave to bring in a bill directing the Secretary of the Treasury to remit certain fines, penalties, and forfeitures therein mentioned; and the bill was twice read, by unanimous consent, and referred to a select committee, to consist of five members, to consider and report thereon; and Messrs. LLOYD, SMITH, of Maryland, GILES, BRENT, and GAILLARD, were appointed the committee.

Mr. CAMPBELL, of Tennessee, from the committee to whom the subject was referred, reported, in part, a bill authorizing the payment for wagons or teams captured or destroyed by the enemy; and the bill was twice read.

Mr. BROWN gave notice that to-morrow he should ask leave to bring in a bill to establish certain post roads in the State of Louisiana.

The bill vesting in the President of the United States the power of retaliation in the cases therein specified, was read the third time; and on the question, Shall this bill pass? it was determined in the affirmative—yeas 17, nays 4, as follows:

YEAS—Messrs. Brent, Campbell of Ohio, Campbell of Tennessee, Crawford, Franklin, Gaillard, Howell, Leib, Magruder, Reed, Robinson, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

NAYS—Messrs. Dana, Gilman, Goodrich, and Lambert.

So it was *Resolved*, That this bill do pass, and that the title thereof be "An act vesting in the President of the United States the power of retaliation in the cases therein specified."

The resolution proposing an amendment to the Constitution of the United States, respecting the mode of electing representatives to Congress and Electors of President and Vice President of the United States, was read a third time as amended.

A motion was made, by Mr. GERMAN, to postpone the further consideration thereof until to-morrow, which was determined in the negative.

On motion, by Mr. GERMAN to postpone the further consideration thereof to the first Monday in June next, it was determined in the negative—yeas 13, nays 19, as follows:

YEAS—Messrs. Crawford, Dana, German, Gilman, Goodrich, Gregg, Horsey, Howell, Hunter, Lambert, Lloyd, Tait, and Taylor.

NAYS—Messrs. Bayard, Bibb, Brent, Brown, Campbell of Ohio, Campbell of Tennessee, Cutts, Franklin, Giles, Leib, Pope, Reed, Robinson, Smith of Maryland, Smith of New York, Turner, Varnum, and Worthington.

On the question, Shall this resolution pass as amended? it was determined in the affirmative—yeas 22, nays 9, as follows:

YEAS—Messrs. Bayard, Bibb, Brent, Brown, Campbell of Ohio, Campbell of Tennessee, Crawford, Cutts, Franklin, Gaillard, Giles, Howell, Lambert, Leib, Pope, Reed, Robinson, Smith of Maryland, Smith of New York, Turner, Varnum, and Worthington.

NAYS—Messrs. Dana, German, Gilman, Goodrich, Gregg, Horsey, Lloyd, Tait, and Taylor,

So it was *Resolved*, That this resolution pass, amended as follows:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Electors of President and Vice President of the United States shall be chosen by districts; and for that purpose each State shall, by its Legislature, be divided into a number of districts, equal to the number of Electors to which the State may be entitled. Each district shall contain, as nearly as may be, equal numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. In each district the persons qualified to vote for representatives in the Congress of the United States, shall choose one Elector. The Legislature of each State shall have power to regulate the manner of holding elections and making returns of the Electors chosen by the people.

"In case all the Electors should not meet at the time and place appointed for giving their votes, a majority of the Electors met shall have power, and forthwith shall proceed to supply the vacancy.

"The districts for choosing Electors of President and Vice President of the United States shall not be altered in any State until an enumeration and an apportionment of representatives shall be made subsequent to a division of the States into districts. The division of the State into districts shall take place as soon as conveniently may be after this amendment shall become a part of the Constitution of the United States, and successively afterwards, whenever a new enumeration and apportionment of representatives shall be made."

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act making appropriations for the support of Government, for the year 1813;" a bill, entitled "An act establishing an elementary exercise for the infantry of the militia and Army of the United States;" also, a bill entitled "An act in addition to an act regulating the Post Office Establishment;" in which bills they request the concurrence of the Senate.

The three bills last mentioned were read, and passed to the second reading.

On motion, by Mr. SMITH, of Maryland, the bill, entitled "An act making an appropriation for the support of Government for the year 1813," was read the second time by unanimous consent, and referred to a select committee, to consider and report thereon. Messrs. TAIT, BAYARD, and SMITH of Maryland, were appointed the committee.

Mr. LLOYD presented the memorial of Joseph Wiggin, of Boston, in the State of Massachusetts, stating, that, at the time of the declaration of war, the house of Timothy and Joseph Wiggin had goods to a large amount in Montreal, and other goods, which were shipped before the war was known in England, arrived in Montreal soon after; and, some time in the month of August last, apprehending an invasion of Lower Canada, and that their property thereby would be exposed to danger, they caused it to be removed to the United States, which was seized and libelled by the collector, for a violation of the non-importation law; and praying relief, and the memorial was read, and referred to the committee to whom was referred the bill directing the Secretary of the Treasury to remit certain fines, penalties, and forfeitures, therein mentioned, to consider and report thereon.

Mr. GILES, from the committee to whom was referred the bill, entitled "An act for the regulation of seamen on board the public ships, and in the merchant service of the United States," reported it with amendment.

Mr. TAYLOR, from the committee to whom was referred the bill for the relief of Joseph Brevard, reported it without amendment.

Mr. BIBB, from the committee to whom was recommitted the bill authorizing the issuing of Treasury notes for the service of the year 1813, reported it without amendment.

The Senate resumed, as in Committee of the Whole, the consideration of the bill concerning seamen and shipping of the United States; and Mr. GREGG was requested to take the Chair; and, after debate, the President resumed the Chair, and, on motion, the further consideration of the bill was postponed to, and made the order of the day for, to-morrow.

REGISTERED SEAMEN.

The PRESIDENT communicated a report of the Secretary of the Department of State, on the subject of the registered seamen of the United States, prepared in obedience to the order of the Senate of the 28th of January; which was read.

The report is as follows:

The Secretary of State, agreeably to a resolution of the Senate, of the 28th of January last, requiring a statement of the whole number of seamen annually registered, under the act of the 28th of May, 1796, entitled "An act for the relief and protection of American seamen," distinguishing the number so registered in each year, according to the returns made to the Department of State, by collectors of different ports, has the honor to submit the following abstract, from

the returns made to this Department, distinguished by the several years when they were so made.

It may be proper to observe, that, from the deficiency of returns, it is to be reasonably inferred that the number of seamen actually enregistered in the United States, during the period embraced by this report, exceeds that now stated, by one-third.

Abstract of Seamen registered in the several custom-houses of the United States, according to returns made to the Department of State.

For the three last quarters of the year 1796	4,849
For the year 1797	9,021
1798	7,031
1799	6,514
1800	3,390
1801	6,917
1802	891
1803	10,724
1804	6,822
1805	10,722
1806	9,900
1807	7,937
1808	1,121
1809	9,170
1810	2,668
1811	4,828
1812	3,252
	106,757

All which is respectfully submitted.

JAMES MONROE.

DEPARTMENT OF STATE, *Feb.* 18, 1813.

FRIDAY, February 19.

Mr. GOODRICH presented the petition of Talcott Walcott, of Hartford, in Connecticut, stating that this brig Gustavus, with a cargo of two hundred and forty-two hogsheads of rum, and other small articles, arrived at New London, from the Island of Tobago, on the 11th of May, 1811, and was seized and libelled by the collector for a violation of the non-importation law, and condemned in the district court for Connecticut district; and praying relief, for reasons stated in the petition; which was read.

Mr. BAYARD submitted the following motion for consideration:

Resolved, That the Secretary of the Senate cause to be printed the acts of Congress passed during the present session; and, also, from time to time, the acts which may be passed, and that he furnish each member of the Senate with a copy of the same.

The bill which originated in the House of Representatives, entitled "An act establishing an elementary exercise for the infantry of the Militia and Army of the United States," was read the second time, and referred to a select committee, to consist of five members, to consider and report thereon; and Messrs. VARNUM, REED, BAYARD, SMITH, of Maryland, and LEIB, were appointed the committee.

Ordered, That the bill which originated in the Senate establishing the discipline of the Army of the United States, and for other purposes, together with the motion of Mr. CAMPBELL, of Tennessee, directing the Secretary for the Department of War to prepare and report a system of military discipline, be referred to the last mentioned committee, to consider and report thereon.

Mr. BRENT, from the committee to whom was referred the bill, entitled "An act to incorporate a fire insurance company in the town of Alexandria, in the District of Columbia," reported it without amendment.

The bill, entitled "An act in addition to an act regulating the Post Office Establishment," was read the second time, and referred to a select committee, to consider and report thereon; Messrs. FRANKLIN, BROWN, and BAYARD, were appointed the committee.

On motion, by Mr. HUNTER, the bill, entitled "An act authorizing the discharge of Daniel Updike, from his imprisonment," was referred to a select committee, to consider and report thereon; and Messrs. HUNTER, GOODRICH, and HOWELL, were appointed the committee.

The bill to alter the times and places of holding the circuit court for the sixth circuit of the United States was read the second time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill concerning seamen and shipping of the United States; and Mr. GREGG was requested to take the Chair; and the bill having been amended, the President resumed the Chair; Mr. GREGG reported the bill to the House accordingly.

On the question, Shall this bill be engrossed and read the third time as amended? it was determined in the affirmative.

Mr. SMITH, of Maryland, presented the memorial of the inhabitants of the city of Baltimore, praying that no alteration may be made in the present non-importation acts, for reasons stated at large in the memorial; which was read, and ordered to be printed for the use of the Senate.

Mr. LEIB presented the memorial of James Josiah and others, stating that they had established, at great expense, salt works at Cape May and Cape Henlopen, for the purpose of making fine salt, and praying an additional duty on the importation of fine salt, or some other encouragement, for reasons stated at large in the memorial; which was read.

Mr. LLOYD presented the memorial of Nathaniel Silsbee and others, merchants, of Salem, in Massachusetts, stating that they were owners of the brig Edwin, which was captured on the 25th of August last, while on a return voyage to the United States, by an Algerine cruiser, where the officers and crew, nine in number, are held as slaves; and praying the interposition of Congress for their relief.—Referred to the committee to whom was referred, on the 9th of November last, so much of the Message of the President of the United States as relates to our relations with foreign Powers, to consider and report thereon by bill or otherwise.

Mr. BROWN asked and obtained leave to bring in a bill to establish certain post roads in the State of Louisiana; and the bill was twice read by unanimous consent, and referred to the committee to whom was referred the bill, entitled "An

act in addition to an act regulating the Post Office Establishment," to consider and report thereon.

On motion, by Mr. BIBB, the further consideration of the bill, entitled "An act authorizing the issuing of Treasury notes for the service of the year 1813," was postponed to, and made the order of the day for, to-morrow.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of Royal Converce;" and

Ordered, That it pass to a third reading.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to impose a duty on the importation of iron wire;" and

Ordered, That it pass to a third reading.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to raise ten additional companies of rangers;" and

Ordered, That it pass to a third reading.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to encourage more effectually the destruction of armed vessels of the enemy entering the ports and harbors of the United States. Mr. VARNUM was requested to take the Chair; and the bill having been amended, on motion the Senate adjourned.

SATURDAY, February 20.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act giving further time for delivering the evidence in the support of claims to land in the Territory of Missouri, and for regulating the donation grants therein;" a bill, entitled "An act to release the claims of the United States in certain goods, wares, and merchandise, captured by private armed vessels;" a bill, entitled "An act regulating foreign coins, and for other purposes;" a bill, entitled "An act to encourage vaccination;" also, a bill, entitled "An act for the relief of Susannah Wiley;" in which bills they request the concurrence of the Senate.

Mr. LLOYD, from the committee to whom was referred the bill directing the Secretary of the Treasury to remit certain fines, penalties, and forfeitures, therein mentioned, reported it with amendments.

Mr. FRANKLIN, from the committee to whom was referred the bill, entitled "An act, in addition to an act, regulating the Post Office Establishment, reported it with amendment.

Mr. HUNTER, from the committee to whom was referred the bill, entitled "An act authorizing the discharge of Daniel Updike from his imprisonment," reported it without amendment.

On motion, it was agreed that the further consideration of the bill, entitled "An act making provision for an additional number of general officers," be postponed to, and made the order of the day for, Monday next.

The bill, entitled "An act to raise ten additional companies of rangers," was read a third time, and passed.

The bill, entitled "An act for the relief of Royal Converce," was read the third time, and passed.

The bill, entitled "An act to impose a duty on the importation of iron wire," was read a third time, and passed.

Mr. WORTHINGTON, from the committee to whom was referred the petition of the President and Directors of the Georgetown and Alexandria Road Company, reported a bill supplementary to an act, entitled "An act to authorize a turnpike road from Mason's causeway to the town of Alexandria;" and the bill was read, and passed to the second reading.

TREASURY NOTES.

The Senate resumed the consideration of the bill, entitled "An act authorizing the issuing of Treasury notes for the service of the year 1813." Mr. VARNUM was requested to take the Chair; and, on motion of Mr. LLOYD, to amend the bill, by striking out, in the fifth section, the following words: "That the Secretary of the Treasury be, and he is hereby, authorized, with the approbation of the President of the United States, to cause to be issued such portion of the said Treasury notes as the President may think expedient in payment of supplies;" it was determined in the negative—yeas 8, nays 17, as follows:

YEAS—Messrs. Bayard, Dana, Giles, Gilman, Goodrich, Hunter, Lloyd, and Pope.

NAYS—Messrs. Bibb, Brent, Brown, Campbell of Ohio, Crawford, Cutts, Franklin, Gaillard, Howell, Leib, Robinson, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

On motion, by Mr. LLOYD, to amend the bill, by striking out, in the eighth section, the following words: "That the said Treasury notes, wherever made payable, shall be everywhere received in payment of all duties and taxes laid by the authority of the United States;" it was determined in the negative—yeas 11, nays 17, as follows:

YEAS—Messrs. Bayard, Dana, German, Giles, Gilman, Goodrich, Hunter, Lloyd, Pope, Reed, and Smith of Maryland.

NAYS—Messrs. Bibb, Brent, Brown, Campbell of Ohio, Campbell of Tennessee, Crawford, Cutts, Franklin, Gaillard, Howell, Robinson, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

And the bill having been amended, the President resumed the Chair; and, on the question, Shall this bill be read a third time as amended? it was determined in the affirmative—yeas 17, nays 9, as follows:

YEAS—Messrs. Bibb, Brent, Brown, Campbell of Tennessee, Crawford, Cutts, Franklin, Gaillard, Howell, Robinson, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

NAYS—Messrs. Bayard, Dana, German, Giles, Goodrich, Hunter, Lloyd, Pope, and Reed.

MONDAY, February 22.

The five bills brought up on Saturday last for concurrence were read, and passed to the second reading.

Mr. LLOYD presented the petition of Erving nd Smith, and others; and, on his motion, it as referred to the committee who had under onsideration, on the 18th instant, the bill direct- g the Secretary of the Treasury to remit cer- ain fines, penalties, and forfeitures, to consider nd report thereon.

The bill concerning seamen and shipping of he United States, was reported by the commit- e correctly engrossed, and read a third time, nd passed.

The amendment to the bill, entitled "An act uthorizing the issuing of Treasury notes for the ervice of the year 1813," was reported by the ommittee correctly engrossed, and the bill was ad a third time as amended.

On the question, Shall this bill pass as amend- d? it was determined in the affirmative—yeas 3; nays 9, as follows:

YEAS—Messrs. Bibb, Brent, Brown, Campbell of hio, Campbell of Tennessee, Crawford, Cutts, Frank- n, Gaillard, Gregg, Howell, Robinson, Smith of New ork, Tait, Taylor, Turner, Varnum, and Wor- ington.

NAYS—Messrs. Bayard, Bradley, Giles, Gilman, oodrich, Hunter, Lambert, Lloyd, and Reed.

So, it was *Resolved*, That this bill pass with nendment.

Mr. BAYARD, from the committee to whom was ferred the memorial of John Worthington, and hers, and of Oliver Evans, made report; which as read.

On request, Mr. BRENT was excused from serv- g on the committee to whom was referred the tition of James Jay.

On motion, by Mr. LEIB, the committee were scharged from the further consideration of the tition of Margaret Arundell.

The Senate resumed, as in Committee of the hole, the consideration of the bill, entitled "An t making provision for an additional number of neral officers."

Mr. GREGG was requested to take the Chair; d, no amendment having been agreed to, the esident resumed the Chair; and the bill was dered to a third reading.

The Senate resumed, as in Committee of the hole, the bill directing the Secretary of the easury to remit certain fines, penalties, and feitures; and Mr. VARNUM was requested to ke the Chair; and, the bill having been amend- , the President resumed the Chair; and, on e question, Shall this bill be engrossed, and d a third time as amended? it was determined the affirmative.

The following Message was received from the ESIDENT OF THE UNITED STATES:

the Senate and House of Representatives of the United States:

lay before Congress a letter, with accompanying uments, from Captain Bainbridge, now command- the United States' frigate, the Constitution, report- his capture and destruction of the British frigate, Java. The circumstances and the issue of this nbat, afford another example of the professional skill l heroic spirit which prevail in our naval service. The signal display of both, by Captain Bainbridge, his officers, and crew, command the highest praise.

This being a second instance in which the condition of the captured ship, by rendering it impossible to get her into port, has barred a contemplated reward of successful valor, I recommend to the consideration of Congress the equity and propriety of a general provision, allowing, in such cases, both past and future, a fair proportion of the value which would accrue to the captors, on the safe arrival and sale of the prize.

JAMES MADISON.

FEBRUARY 22, 1813.

The Message and accompanying documents were read, and referred to the committee appointed the 9th of November, who have under consideration the naval affairs of the United States, to consider and report thereon.

TUESDAY, February 23.

The Senate resumed the consideration of the motion made on the 18th instant, by Mr. BAYARD, for printing the laws; and the motion was adopted.

The bill supplementary to an act, entitled "An act to authorize the making a turnpike road from Mason's causeway to the town of Alexandria," was read the second time.

The bill, entitled "An act to encourage vaccination," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. SMITH of Maryland, LEIB, and CAMPBELL of Ohio, were appointed the committee.

Mr. SMITH, of Maryland, from the committee to whom the subject was referred, reported a bill providing compensation to the officers and crews of the Constitution and Wasp, for capturing and destroying the British frigates Guerriere and Java, and sloop of war Frolic; and the bill was read, and passed to the second reading.

Mr. LLOYD, from the committee to whom the subject was referred, reported a bill authorizing the remission of fines, penalties, and forfeitures, in certain cases, by a judge of the district court of the United States; and the bill was twice read, by unanimous consent, and made the order of the day for Thursday next.

Mr. LEIB presented the memorial of a number of inhabitants of the city and liberties of Philadelphia, stating that they are natives of the United Kingdom of Great Britain and Ireland, and citizens of the United States by adoption; and that, by a late proclamation, issued by the Prince Regent of said Kingdom, the penalty of death is denounced against such of the natural born subjects thereof as shall adhere or give aid to the United States, thereby subjecting them to the punishment for treason against said Kingdom whenever the United States shall call upon them to take part in the existing war, and praying such provision for their protection as the wisdom of Congress may dictate; and the memorial was read.

The bill, entitled "An act to release the claims of the United States in certain goods, wares, and

merchandise, captured by private armed vessels," was read the second time.

The bill, entitled "An act regulating foreign coins, and for other purposes," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. GILES, LLOYD, and BAYARD, were appointed the committee.

The Senate resumed the consideration of the report of the committee to whom were referred the memorials of John Worthington, and others, and Oliver Evans, and agreed thereto, as follows:

"That the subject of the memorials is of considerable interest and importance to the community, and involves difficulties which would require more time and patient investigation fully to understand than can be bestowed upon it during the remnant of the present session.

"The committee confine themselves to stating that the grievance complained of by the memorialists first mentioned proceeds from an act of Congress, passed the 21st day of January, in the year 1808, whereby a patent, which had before that time been granted to Oliver Evans for fourteen years, for certain mill machinery, and which had expired by its own limitation, was renewed and continued for fourteen years from the date of the act. It appears that, in the interval between the expiration and renewal of the patent, several grist mills were erected, into which the use of Mr. Evans's machinery was introduced.

"By a judicial construction of the act of Congress, it is held to prohibit the use of the machinery after the passing of the act, without the license of the patentee, although the mill and machinery were constructed when no patent or exclusive right existed.

"It also appears that the price at which Mr. Evans rated his licenses before the act of 1808, for one water wheel, was from thirty to forty dollars.

"Since that act, his prices have been gradually augmented, and he now requires from three to four hundred dollars for the machinery used in the manufacture of flour by each pair of stones of six feet diameter.

"In a single mill, having several pair of stones, a demand was made of two thousand two hundred dollars for the use of the machinery.

"The machinery is undeniably of great importance to the public, but the increased and increasing prices of the patentee threaten the imposition of an intolerable burden upon a very useful and important class of manufactures.

"The committee are not prepared to recommend any specific relief in the case; and, conceiving that it deserves more attention than it can receive during the present session, consider that it would be advisable to abstain from acting upon the subject at this time, and to leave it to the maturer consideration of the ensuing Congress. The following resolution is submitted:

"*Resolved*, That the committee to whom were referred the memorials of John Worthington, and others, and of Oliver Evans, be discharged from the further consideration of the subject of the said memorials."

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to alter the times of holding the district court for the district of New York and Virginia, and to authorize the district judges to appoint commissioners to take affidavits and bail in certain cases;" a bill, entitled "An act continue in force, for a limited time, the first s tion of the act, entitled 'An act further to p tect the commerce and seamen of the Uni States against the Barbary Powers;" a bill, e tled "An act supplementary to the acts here fore passed on the subject of a uniform rule naturalization;" also, a bill, entitled "An act bidding the restoration of goods, wares, and m chandise, seized or libelled under any law p hibiting the importation thereof, laying an ad tional duty on foreign tonnage, and providing the unlading of articles on which no duty is posed, under the inspection of an officer of customs;" in which bills they request the c currence of the Senate.

The three bills first mentioned in the messa and brought up for concurrence, this day w read, and passed to the second reading.

The bill, entitled "An act for the relief of S sannah Wiley," was read the second time, a referred to a select committee, to consider and port thereon; and Messrs. GREGG, GOODRICH, a VARNUM, were appointed the committee.

The bill, entitled "An act allowing furt time for delivering the evidence in support claims to land in the Territory of Missouri, a for regulating the donation grants therein," w read the second time, and referred to the comm tee appointed the 2d of December last, on subject of the public lands, to consider and repo thereon.

The bill, entitled "An act making provision an additional number of general officers," w read a third time, and passed.

The bill directing the Secretary of the Trea ury to remit certain fines, penalties, and forfe ures, therein mentioned, was read a third tim and passed.

Mr. BAYARD presented the petition of Thom Sim Lee and others, citizens of Georgetown, the District of Columbia, stating that they a proprietors of more than six parts out of seven the property contained in "Deakins, Lee, a Casanave's," addition to Georgetown, and th considerable inconvenience and obstruction resu to them in their improvements, from the prese plan or plat thereof; and praying relief.—Refe red to a select committee, to consider and repo thereon by bill or otherwise; and Messrs. BA ARD, BRENT, and HUNTER, were appointed t committee.

On motion, by Mr. LEIB, the further consider tion of the bill, entitled "An act to incorporate fire insurance company in the town of Alexa dria, in the District of Columbia," was postpon to the first Monday in June next.

Mr. VARNUM, from the committee to whom w referred the report of the commissioners appoin ed to survey the boundary of the Virginia mil tary reservation, reported that the further co sideration thereof be postponed to the first Mo day in December next.

The Senate concurred in the report, and t committee were discharged.

The Senate resumed, as in Committee of t

Whole, the consideration of the bill, entitled "An act giving further time to purchasers of public lands to complete their payments," together with the amendment reported thereto by the select committee; and Mr. VARNUM was requested to take the Chair.

On motion, by Mr. CRAWFORD, to amend the bill, by inserting, in section one, line five, after the word "States," the following words: "at any of the land offices northwest of the river Ohio," it was determined in the negative—yeas 7, nays 18, as follows:

YEAS—Messrs. Crawford, Franklin, Lambert, Leib, Smith of Maryland, Tait, and Varnum.

NAYS—Messrs. Bibb, Bradley, Brown, Campbell of Ohio, Cutts, Gaillard, German, Giles, Gilman, Howell, Hunter, Lloyd, Pope, Reed, Smith of New York, Taylor, Turner, and Worthington.

On motion, by Mr. CRAWFORD, to add to the bill a new section, in the following words:

"*And be it further enacted*, That, upon all sums of money arising from the sale of public lands in the Mississippi Territory, the payment of which is postponed by the provisions of this act, interest, at the rate of six per centum per annum, shall be paid to the State of Georgia during the time of such postponement, in addition to the sum of one million two hundred and fifty thousand dollars which the United States are bound to pay out of the net proceeds of the sale of public lands in the said Territory, which interest shall be paid out of the money arising from the sale of said lands."

It was determined in the negative—yeas 4, nays 24, as follows:

YEAS—Messrs. Crawford, Reed, Smith of Maryland, and Tait.

NAYS—Messrs. Bayard, Bibb, Bradley, Brown, Campbell of Ohio, Campbell of Tennessee, Cutts, Dana, German, Giles, Gilman, Goodrich, Howell, Hunter, Lambert, Leib, Lloyd, Pope, Robinson, Smith of New York, Taylor, Turner, Varnum, Worthington.

The bill having been amended, the PRESIDENT resumed the Chair.

On the question, Shall this bill be read a third time as amended? it was determined in the affirmative.

Mr. CAMPBELL, of Tennessee, from the Committee on Foreign Relations, reported, in part, a bill the better to provide for the supplies of the Army of the United States, and for the accountability of persons intrusted with the same; and the bill was read, and passed to a second reading.

Mr. SMITH, of Maryland, from the committee to whom was referred the bill, entitled "An act to encourage vaccination," reported it without amendment.

Mr. WORTHINGTON, from the committee to whom were referred the amendments of the House of Representatives to the bill, entitled "An act for giving further time for registering claims to lands in the eastern district of the Territory of Orleans, now State of Louisiana," reported them with amendments; which were read, and

Resolved, That the Senate concur in the amendments of the House of Representatives with amendments.

The PRESIDENT communicated the remonstrance of the citizens of New York against the repeal of the non-importation law; which was read; and ordered to be printed for the use of the Senate.

Mr. FRANKLIN, from the committee to whom was referred the bill to establish certain post roads in the State of Louisiana, reported it with an amendment.

WEDNESDAY, February 24.

The bill, entitled "An act forbidding the restoration of goods, wares, and merchandise, seized or libelled under any law prohibiting the importation thereof, laying an additional duty on foreign tonnage, and providing for the unlading of articles on which no duty is imposed, under the inspection of an officer of the customs," brought up yesterday for concurrence, was read, and passed to the second reading.

The amendment to the bill, entitled "An act giving further time to purchasers of public land to complete their payments," was reported by the committee correctly engrossed, and the bill was read a third time as amended; and passed with amendment.

Mr. TAIT, from the committee to whom was referred the bill, entitled "An act making appropriations for the support of Government for the year 1813," reported it with amendments.

The bill, entitled "An act to alter the times of holding the district court in the respective districts of New York and Virginia, and to authorize the district judges to appoint commissioners to take affidavits in certain cases," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. GILES, LLOYD, and GERMAN, were appointed the committee.

The bill, entitled "An act supplementary to the acts heretofore passed on the subject of an uniform rule of naturalization," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. BAYARD, GOODRICH, and GILES, were appointed the committee.

The bill, entitled "An act to continue in force for a limited time the first section of the act, entitled 'An act further to protect the commerce and seamen of the United States against the Barbary Powers,'" was read a second time, and passed to a third reading.

The bill, entitled "An act to release the claims of the United States in certain goods, wares, and merchandise, captured by private armed vessels," was referred to a select committee to consider and report thereon; and Messrs. BAYARD, LLOYD, and SMITH, of Maryland, were appointed the committee.

On motion, by Mr. LEIB, the further consideration of the bill, entitled "An act authorizing an increase of the capital stock of the Bank of Washington," was postponed to the first Monday in June next.

The Senate resumed, as in Committee of the Whole, the bill to encourage more effectually the

destruction of armed vessels of the enemy entering the ports and harbors of the United States; and the bill having been amended, the PRESIDENT reported it to the House accordingly.

On the question, Shall this bill be engrossed, and read a third time? it was determined in the affirmative.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the relief of the representatives of Samuel Lapsley, deceased.

On the question, Shall this bill be engrossed and read a third time? it was determined in the affirmative—yeas 16, nays 8, as follows:

YEAS—Messrs. Bayard, Bibb, German, Giles, Gilman, Goodrich, Hunter, Lambert, Leib, Lloyd, Pope, Reed, Smith of Maryland, Tait, Taylor, and Worthington.

NAYS—Messrs. Bradley, Crawford, Franklin, Gaillard, Gregg, Howell, Turner, and Varnum.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act rewarding the officers and crew of the frigate Constitution," in which bill they request the concurrence of the Senate.

The bill last mentioned in the message was read twice by consent, and considered as in Committee of the Whole; and Mr. VARNUM was requested to take the Chair; and the bill having been amended, the PRESIDENT resumed the Chair; and, on the question, Shall this bill be read a third time as amended? it was determined in the affirmative.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act authorizing the appointment of additional officers in the respective Territories of the United States;" and

Ordered, That it pass to a third reading.

On motion, by Mr. VARNUM, the bill, entitled "An act for the relief of Samuel Ellis," was referred to a select committee, to consider and report thereon; and Messrs. VARNUM, FRANKLIN, and TAYLOR, were appointed the committee.

Mr. GREGG, from the committee to whom was referred the bill, entitled "An act for the relief of Susannah Wiley," reported it with amendment.

The Senate resumed, as in Committee of the Whole, the bill for the relief of Nathaniel G. Ingraham, Alexander Phœnix, and William Nexsen, junior.

On the question, Shall this bill be engrossed and read a third time? it was determined in the affirmative.

On motion, the further consideration of the bill, entitled "An act for the regulation of seamen on board of public ships and in the merchant service of the United States," was postponed to, and made the order of the day for, to-morrow.

The Senate resumed, as in Committee of the Whole, the consideration of the bill to authorize and empower the President and Managers of the Washington Turnpike Company, of the State of Maryland, when organized, to extend and make their turnpike road to or from Georgetown, in the District of Columbia, through the said District, to the line thereof; and Mr. VARNUM was requested to take the Chair; and, the bill having been amended, the PRESIDENT resumed the Chair; and, on the question, Shall this bill be engrossed and read a third time as amended? it was determined in the affirmative.

On motion, by Mr. DANA,

Resolved, That the Secretary of State be directed to give to the Senate information of the districts of the customs, for which the collectors respectively, during the years 1811 and 18 (according to the statements before the Senate) have not made to the Secretary of State, once three months, returns of the seamen registered under the act of 28th of May, 1796, entitled "An act for the relief and protection of American seamen," and that the information be laid before the Senate within ten days from the commencement of the next session of Congress.

Mr. BRADLEY presented the petition of Sylvester Day, a surgeon's mate, who was stationed at Fort Michilimackinac, and, by capitulation of that place, was made a prisoner of war; and praying to be compensated for property lost, by burning of the brig Detroit, captured by Lieutenant Elliott, as stated in the petition; which was read, and referred to the committee appointed the 9th November last, on Foreign Relations, to consider and report thereon, by bill or otherwise.

Mr. CAMPBELL, of Tennessee, further reported from the Committee on Foreign Relations, a bill for the better organization of the general staff of the Army of the United States; and the bill was read, and passed to the second reading.

Mr. WORTHINGTON, from the committee to whom was referred the bill, entitled "An act allowing further time for delivering the evidence in support of claims to land in the Territory of Missouri, and regulating the donation grants therein," reported it without amendment.

The Senate resumed, as in Committee of the Whole, the bill to establish certain post roads in the State of Louisiana; and on the question, Shall this bill be engrossed and read a third time? it was determined in the affirmative.

The bill, which originated in the Senate, providing compensation to the officers and crews of the Constitution and Wasp, for capturing and destroying the British frigates Guerriere and Java, and sloop of war Frolic, was read the second time.

The Senate resumed, as in Committee of the Whole, the consideration of the bill supplementary to an act, entitled "An act to authorize the making a turnpike road from Mason's causeway to the town of Alexandria; and on the question, Shall this bill be engrossed and read a third time? it was determined in the affirmative.

Mr. BAYARD, from the committee to whom was referred the petition of Thomas Sim Lee, and others, reported a bill concerning certain streets in Georgetown; and the bill was read, and passed to the second reading.

The bill the better to provide for the supplies of the Army of the United States, and for the accountability of persons intrusted with the same

as read the second time, and made the order of e day for to-morrow.

The Senate resumed, as in Committee of the Whole, the bill in addition to an act, entitled "An t regulating the Post Office Establishment," to- ther with the amendment reported thereto by e select committee; and, having agreed thereto, e President reported it to the House accord- gly.

On the question Shall this bill be read a third ne as amended? it was determined in the affir- ative.

The following Message was received from the RESIDENT OF THE UNITED STATES:

o the Senate and House of Representatives of the United States:

I lay before Congress copies of a proclamation of the ritish Lieutenant Governor of the Island of Bermuda, hich has appeared under circumstances leaving no ubt of its authenticity. It recites a British Order in ouncil of the 26th of October last, providing for the pply of the British West Indies, and other colonial ssessions, by a trade under special licenses; and is companied by a circular instruction to the Colonial overnors, which confines licensed importations from rts of the United States to the ports of the Eastern ates exclusively.

The Government of Great Britain had already in- oduced into her commerce, during war, a system, hich, at once violating the rights of other nations, id resting on a mass of forgery and perjury unknown other times, was making an unfortunate progress in adermining those principles of morality and religion hich are the best foundation of national happiness.

The policy now proclaimed to the world introduces to her modes of warfare a system equally distinguished the deformity of its features, and the depravity of s character; having for its object to dissolve the ties allegiance and the sentiments of loyalty in the ad- rsary nation, and to seduce and separate its compo- nt parts the one from the other.

The general tendency of these demoralizing and dis- ganizing contrivances will be reprobated by the civil- ed and Christian world; and the insulting attempt on e virtue, the honor, the patriotism, and the fidelity of ur brethren of the Eastern States, will not fail to call rth all their indignation and resentment, and to at- ch more and more all the States to that happy Union nd Constitution, against which such insidious and alignant artifices are directed.

The better to guard, nevertheless, against the effect individual cupidity and treachery, and to turn the rrupt projects of the enemy against himself, I recom- end to the consideration of Congress the expediency f an effectual prohibition of any trade whatever, by tizens or inhabitants of the United States, under spe- al licenses, whether relating to persons or ports, and aid thereof a prohibition of all exportations from the nited States in foreign bottoms, few of which are ac- ually employed, whilst multiplying counterfeits of eir flags and papers are covering and encouraging e navigation of the enemy.

JAMES MADISON.

FEBRUARY 24, 1813.

The Message and accompanying documents ere read, and referred to the committee appoint- d the 9th of November last, on Foreign Relations, consider and report thereon.

The PRESIDENT communicated a report of the Secretary for the Department of Treasury, with a statement of the emoluments of the officers em- ployed in the collection of the customs, for the year 1812; which were read.

The Senate resumed the consideration of the bill, entitled "An act to encourage vaccination."

Ordered, That it pass to a third reading.

THURSDAY, February 25.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to alter the time for the next meeting of Congress;" in which they re- quest the concurrence of the Senate.

The bill last mentioned was twice read by una- nimous consent.

Mr. DANA, from the committee appointed on the subject, reported a bill for the government of persons in certain fisheries.

He further reported in part a bill concerning navigation in the coasting trade; and the bills were read, and passed to the second reading.

The amendment to the bill, entitled "An act in addition to an act regulating the Post Office Establishment," was reported by the committee correctly engrossed, and the bill was read a third time as amended.

Resolved, That this bill pass with amendment.

The bill to encourage more effectually the de- struction of the armed vessels of the enemy en- tering the ports and harbors of the United States, was read a third time, and passed.

The bill supplementary to an act, entitled "An act to authorize the making a turnpike road from Mason's causeway to the town of Alexandria," was read a third time, and passed.

The bill for the relief of Nathaniel G. Ingra- ham, Alexander Phœnix, and William Nexsen, junior, was read a third time, and passed.

The bill for the relief of the representatives of Samuel Lapsley, deceased, was read a third time, and passed.

The amendments to the bill from the House of Representatives, entitled "An act rewarding the officers and crew of the frigate Constitution," were reported by the committee correctly en- grossed, and the bill was read a third time as amended.

Resolved, That this bill pass with amendments.

The bill to establish certain post roads in the State of Louisiana, was read a third time, and passed.

The bill to authorize and empower the Presi- dent and Managers of the Washington Turnpike Company of the State of Maryland, when organ- ized, to extend and make their turnpike road to or from Georgetown, in the District of Columbia, through the said District, to the line thereof, was read a third time, and passed.

The bill, entitled "An act authorizing the ap- pointment of additional officers in the respective Territories of the United States," was read a third time, and passed.

The bill, entitled "An act to continue in force,

for a limited time, the first section of the act, entitled 'An act further to protect the commerce and seamen of the United States against the Barbary Powers," was read a third time, and passed.

The bill concerning certain streets in Georgetown was read the second time.

The bill, entitled "An act to encourage vaccination," was read a third time, and passed.

Mr. BIBB gave notice that, to-morrow, he should ask leave to bring in a bill concerning the salt springs on the waters of the Wabash river.

Mr. VARNUM, from the committee appointed on the 19th instant to consider the subject, reported the bill which originated in the House of Representatives, entitled "An act establishing an elementary exercise of the Militia and Army of the United States," without amendment.

He also reported a resolution on the subject, which was read, as follows:

Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled, That the President of the United States be, and he is hereby, authorized to prescribe such a system of military discipline for the Army and Militia of the United States as he may approve, and that he cause to be laid before Congress, as soon as practicable, such information in relation to a permanent military system of discipline for the Army and Militia of the United States as may be attainable.

On motion, by Mr. CAMPBELL, of Tennessee, it was agreed that the bill for the better organization of the general staff of the Army of the United States be the order of the day for to-morrow.

Mr. VARNUM presented the memorial of George Crowninshield, and others, inhabitants of Salem, in Massachusetts, largely concerned in fitting out private armed vessels to cruise against the enemy, stating certain grievances resulting to them by the last act of Congress, concerning letters of marque, prizes, and prize goods, and praying relief; and the memorial was read, and referred to a select committee, to consider and report thereon by bill or otherwise; and Messrs. SMITH of Maryland, VARNUM, and LLOYD, were appointed the committee.

The bill, entitled "An act forbidding the restoration of goods, wares, and merchandise, seized or libelled under any law prohibiting the importation thereof, laying an additional duty on foreign tonnage, and providing for the unlading of articles on which no duty is imposed, under the inspection of an officer of the customs," was read the second time, and referred to a select committee, to consider and report thereon; and Messrs. SMITH of Maryland, LLOYD, and TAYLOR, were appointed the committee.

The bill authorizing the remission of fines, penalties, and forfeitures, in certain cases, by a judge of a district court of the United States, was postponed to the first Monday in June next.

Mr. BRENT gave notice that to-morrow he should ask leave to bring in a bill to augment the capital stock of the Bank of Washington.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act for the regulation of seamen on board the public ships and in the merchant service of the United States," together with the amendments reported thereto by the select committee; and Messrs. GREGG, was requested to take the Chair; and, having agreed to the amendments, the President resumed the Chair.

On motion, by Mr. LLOYD, to postpone the further consideration of the bill to the fourth Monday in May next, it was determined in the affirmative—yeas 14, nays 13, as follows:

YEAS—Messrs. Bayard, Dana, Gaillard, German, Gilman, Goodrich, Gregg, Hunter, Lambert, Leib, Lloyd, Pope, Reed, and Smith of Maryland.

NAYS—Messrs. Bibb, Brown, Campbell of Ohio, Crawford, Cutts, Franklin, Giles, Howell, Smith of New York, Tait, Taylor, Turner, and Varnum.

FRIDAY, February 26.

Mr. SMITH, of Maryland, from the committee to whom was referred the bill, entitled "An act supplementary to the act for increasing the Navy," reported it with amendment.

On motion, by Mr. POPE, one of the majority, it was agreed to reconsider the vote on the postponement of the bill, entitled "An act for the regulation of seamen on board the public ships and in the merchant service of the United States;" and the bill was resumed; and on motion, by Mr. LLOYD, to postpone the further consideration of the bill to the fourth Monday in May next, it was determined in the negative—yeas 15, nays 17, as follows:

YEAS—Messrs. Bayard, Bradley, Dana, Gaillard, German, Gilman, Goodrich, Gregg, Hunter, Lambert, Leib, Lloyd, Pope, Reed, and Smith of Maryland.

NAYS—Messrs. Bibb, Brent, Brown, Campbell of Ohio, Campbell of Tennessee, Crawford, Cutts, Franklin, Giles, Howell, Robinson, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

On the question, Shall this bill be read a third time as amended? it was determined in the affirmative—yeas 19, nays 13, as follows:

YEAS—Messrs. Bibb, Bradley, Brent, Brown, Campbell of Ohio, Campbell of Tennessee, Crawford, Cutts, Franklin, Giles, Howell, Pope, Robinson, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

NAYS—Messrs. Bayard, Dana, Gaillard, German, Gilman, Goodrich, Gregg, Hunter, Lambert, Leib, Lloyd, Reed, and Smith of Maryland.

Mr. CAMPBELL, of Tennessee, from the committee, to whom was referred the petition of Sylvester Day, reported that the committee be discharged, and that the consideration of the petition be postponed to the next session of Congress; and the report was adopted.

The bill for the government of persons in certain fisheries was read the second time.

The Senate resumed, as in Committee of the Whole, the bill better to provide for the supplies of the Army of the United States, and for the accountability of persons intrusted with the same; and Mr. VARNUM was requested to take the Chair; and the bill having been amended, the President resumed the Chair.

On the question, Shall this bill be engrossed

d read a third time as amended? it was deter-
ned in the affirmative.
The bill concerning navigation in the coasting
de was read the second time.
Mr. GILES, from the committee to whom was
erred the bill, entitled "An act regulating for-
n coins, and for other purposes," reported it
thout amendment.
Mr. BAYARD, from the committee to whom was
erred the bill, entitled "An act supplementary
the acts heretofore passed on the subject of an
iform rule of naturalization," reported it with
endment.
A message from the House of Representatives
formed the Senate that the House have passed
ill, entitled "An act directing evidence to be
eived on certain claims to lands in the Missis-
pi Territory;" in which bill they request the
ncurrence of the Senate.
The bill last mentioned was read, and passed to
e second reading.
Mr. BIBB asked and obtained leave to bring in
ill concerning the salt springs on the waters of
e Wabash river; and the bill was read, and
ssed to the second reading.
The PRESIDENT communicated a letter from
e Secretary for the Department of Navy, trans-
tting, by desire of Commodore Bainbridge, a
tition, praying compensation to the subscribers,
the destruction of the British frigates Guerriere
d Java; and the letter and papers were read.
Mr. LLOYD, from the committee to whom was
ferred the petition of O. Rich, reported that the
rther consideration thereof be postponed to the
xt session of Congress, and that the committee
discharged therefrom.
Mr. BRADLEY, from the committee to whom
as referred the bill, entitled "An act to enable
e people of the Mississippi Territory to form
constitution and State government, and for the
mission of such Territory into the Union on an
ual footing with the original States;" together
ith the memorial of Daniel Beverly and others,
ainst being admitted into the Union as a sepa-
te State, reported that the further consideration
the bill and memorials be postponed to the next
ssion of Congress.
Mr. GILES, from the committee to whom was
ferred the bill, entitled "An act to alter the
nes of holding the district court in the respec-
ve districts of New York and Virginia, and to
uthorize the district judges to appoint commis-
oners to take affidavits and bail in certain cases,"
ported it with amendment.
The PRESIDENT communicated a letter from
e Secretary for the Department of Treasury,
ansmitting a statement of the moneys expended,
om the commencement of this Government to
e 31st December, 1812, on account of the sur-
eys and sales of the public lands, and for ascer-
ining the titles to private claims to land, pre-
ired in conformity with the resolution of the
enate of the 30th of December last; which were
ad.
The Senate resumed, as in Committee of the
Vhole, the consideration of the bill for the bet-
ter organization of the general staff of the Army of the United States; and, on motion, by Mr. SMITH, of Maryland, the further consideration thereof was postponed to, and made the order of the day for, to-morrow.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act to alter the time for holding the next meeting of Congress;" and, on motion, the bill was read a third time by unanimous consent, and passed.

SATURDAY, February 27.

Mr. SMITH, of Maryland, from the committee to whom was referred the bill, entitled "An act forbidding the restoration of goods, wares, and merchandise, seized or libelled under any law prohibiting the importation thereof, laying an additional duty on foreign tonnage, and providing for the unlading of articles on which no duty is imposed, under the inspection of an officer of the customs," reported it with amendment.

Mr. VARNUM, from the committee to whom was referred the bill, entitled "An act making provision for arming and equipping the whole body of the militia of the United States, and for classing the same," reported it without amendment.

He also reported a resolution, which was agreed to, as follows:

Resolved, That the Secretary of War cause to be laid before the Senate information on the following points:

1st. What is the contract price of the arms contracted for under authority of the act making provision for arming and equipping the whole body of the militia of the United States?

2d. What amount of money has been drawn from the Treasury under the appropriation of the said act; at what times, and in what sums, have such moneys been drawn from the Treasury?

3d. To whom, and at what times, have the moneys drawn as aforesaid been paid?

4th. What is the balance of the appropriation made by the said act remaining unexpended; and has any part of such balance, and, if any, what sum, been carried to the Sinking Fund?

5th. Has any part of the money appropriated by the said act been applied to the manufacture of arms in the public factories, and, if so, how much?

Mr. CAMPBELL, of Tennessee, from the committee to whom was referred the petition of the first regiment of light dragoons of Kentucky, reported that the committee be discharged from the further consideration thereof; and the report was adopted.

On motion, by Mr. VARNUM, the committee to whom was referred the bill to provide for organizing, arming, and disciplining, the militia of the United States, were discharged from the further consideration thereof, and it was postponed to the fourth Monday in May next.

The bill concerning salt springs on the Wabash river was read the second time.

On motion, by Mr. SMITH, of Maryland, the committee to whom was referred the petition of George Crowninshield, and others, were dis-

charged from the further consideration thereof, and it was postponed to the fourth Monday in May next.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act making appropriations for the support of Government for the year 1813," together with the amendments reported thereto by the select committee; and Mr. VARNUM was requested to take the Chair; and, on motion to strike out the words "fifty thousand dollars," in the 348th line, being contingent expenses of intercourse with foreign nations, it was determined in the negative—yeas 12, nays 16, as follows:

YEAS—Messrs. Bayard, Dana, German, Giles, Gilman, Gregg, Hunter, Lambert, Lloyd, Pope, Reed, and Smith of Maryland.

NAYS—Messrs. Bibb, Brent, Campbell of Tennessee, Crawford, Cutts, Franklin, Gaillard, Howell, Leib, Robinson, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

And the bill having been amended, the President resumed the Chair. And on the question, Shall this bill be read a third time as amended? it was determined in the affirmative.

Mr. LEIB gave notice that on Monday he should ask leave to bring in a resolution for additional compensation to the waiters usually attending on the Senate.

The amendments to the bill, entitled "An act for the regulation of seamen on board the public ships and in the merchant service of the United States," were reported by the committee correctly engrossed, and the bill was read a third time as amended.

On the question, Shall this bill pass as amended? it was determined in the affirmative—yeas 18, nays 12, as follows:

YEAS—Messrs. Bibb, Brent, Brown, Campbell of Ohio, Campbell of Tennessee, Crawford, Cutts, Franklin, Giles, Howell, Pope, Robinson, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

NAYS—Messrs. Bayard, Dana, Gaillard, German, Gilman, Gregg, Hunter, Lambert, Leib, Lloyd, Reed, and Smith of Maryland.

So it was *Resolved*, That this bill pass with amendments; and, on motion, the title was amended.

The bill better to provide for the supplies of the Army of the United States, and for the accountability of persons intrusted with the same, was reported by the committee correctly engrossed and read a third time, and the blank filled with the word "seven."

Resolved, That this bill pass, and that the title thereof be "An act better to provide for the supplies of the Army of the United States, and for the accountability of persons intrusted with the same."

Mr. SMITH, of Maryland, gave notice that on Monday he should ask leave to bring in a bill for the protection of the commerce of the United States against the Barbary Powers.

The resolution authorizing the President of the United States to prescribe a system of military discipline, was reported by the committee correctly engrossed.

Mr. CAMPBELL, of Tennessee, reported, that the committee to whom was referred the petition of Nathaniel Silsbee and others, be discharged from the further consideration thereof; which was agreed to; and, on motion, it was referred to the Secretary for the Department of State, to consider and report thereon.

A message from the House of Representatives informed the Senate that the House concur in the amendments of the Senate to the bill, entitled "An act giving further time to purchasers of public lands to complete their payments," with amendments; in which they request the concurrence of the Senate.

MONDAY, March 1.

A message from the House of Representatives informed the Senate that the House have passed the bill, which originated in the Senate, entitled "An act vesting in the President of the United States the power of retaliation, in the cases therein specified," with amendments; in which they request the concurrence of the Senate.

The Senate proceeded to consider the amendments of the House of Representatives to the bill last mentioned, and concurred therein.

Mr. VARNUM, from the committee to whom was referred the bill, entitled "An act for the relief of Samuel Ellis," reported it without amendment.

The Senate proceed to consider the amendments of the House of Representatives to the amendment of the Senate to the bill, entitled "An act giving further time to purchasers of public lands to complete their payments;" and concurred therein with further amendments.

The amendments to the bill, entitled "An act making appropriations for the support of Government for the year 1813," were reported by the committee correctly engrossed; and the bill was read a third time as amended.

Resolved, That this bill pass with amendments.

Mr. SMITH, of Maryland, asked and obtained leave to bring in a bill for the protection of the commerce and seamen of the United States against the Algerine cruisers; and the bill was read, and passed to the second reading.

On motion, the consideration of the bill, entitled "An act authorizing the discharge of Daniel Updike from his imprisonment," was resumed, as in Committee of the Whole, and amended.

On the question, Shall this bill be read a third time as amended? it was determined in the affirmative.

The amendment to the last mentioned bill was reported by the Committee correctly engrossed, and the bill read a third time as amended, and passed with an amendment.

On motion, by Mr. LEIB, the bill concerning the salt springs on the waters of the Wabash river was postponed to the first Monday in June next.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to prohibit the use of licen-

ces or passes issued under the authority of any foreign Government;" a bill, entitled "An act making appropriations for the support of the military establishment, and of the volunteer militia in the actual service of the United States for the year 1813;" also, a bill, entitled "An act making appropriations for the support of the Navy of the United States for the year 1813;" in which bills they request the concurrence of the Senate.

The three bills last brought up for concurrence were read, and passed to the second reading.

Mr. Bayard submitted for consideration a resolution requesting the President of the United States to present medals to Captain William Bainbridge, and the officers of the frigate Constitution; and the resolution was twice read by unanimous consent.

On the question, Shall this resolution be engrossed and read the third time? it was determined in the affirmative.

Mr. Leib asked and obtained leave to bring in a resolution for additional compensation to the waiters usually attending the Senate; which was read, and passed to a second reading.

The Senate resumed, as in Committee of the Whole, the consideration of the bill for the better organization of the general staff of the Army of the United States; and Mr. Varnum was requested to take the Chair.

On motion, by Mr. Smith, of Maryland, to amend the bill, by striking out, in section 1, line 7, the words, "sixteen assistant adjutants general," it was determined in the negative—yeas 9, nays 17, a follows:

Yeas—Messrs. Bayard, German, Gilman, Goodrich, Lambert, Lloyd, Pope, Reed, and Smith of Maryland.

Nays—Messrs. Bibb, Campbell of Tennessee, Crawford, Cutts, Franklin, Gaillard, Giles, Gregg, Howell, Leib, Magruder, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

And the bill having been amended, the President resumed the Chair; and the bill was further amended by the addition of two sections.

On the question, Shall this bill be engrossed and read a third time as amended? it was determined in the affirmative.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act for the relief of Susannah Wiley;" and Mr. Varnum was requested to take the Chair; and, the bill having been amended, the President resumed the Chair; and on the question, Shall this bill be read a third time as amended? it was determined in the affirmative.

On motion, by Mr. Varnum, the bill, entitled "An act making appropriations for the support of the Military Establishment, and of the volunteer militia in actual service of the United States, for the year 1813," was read the second time by unanimous consent; and referred to the committee appointed the 9th of November last on so much of the Message of the President of the United States as relates to the Military Establishment, &c., to consider and report thereon.

On motion, by Mr. Smith, of Maryland, the bill, entitled "An act making appropriations for the support of the Navy of the United States for the year 1813," was read the second time by unanimous consent; and referred to the committee appointed the 9th of November last on the Naval Establishment of the United States, to consider and report thereon.

On motion, by Mr. Brent, a committee was appointed to bring in a bill to make the usual provision for the accommodation of the household of the President of the United States; and Messrs. Brent, Gaillard, and Robinson, were appointed the committee.

Mr. Brent, from the committee last mentioned, reported a bill to provide for the accommodation of the President of the United States; and the bill was read, and passed to a second reading.

The engrossed resolution authorizing the President of the United States to prescribe a system of military discipline, reported, on Saturday, by the committee, correct, was read a third time, and passed.

Tuesday, March 2.

The bill for the better organization of the general staff of the Army of the United States was read a third time, and passed.

Mr. Bayard, from the committee to whom was referred the Message of the President of the United States, of the 13th of January last, with the act of the General Assembly of the State of Maryland, therein communicated, reported that the further consideration thereof be postponed to the fourth Monday in May next; and the report was agreed to.

Mr. B., also, from the committee to whom was referred the bill, entitled "An act to release the claims of the United States in certain goods, wares, and merchandise, captured by private armed vessels," reported it without amendment.

On motion, by Mr. German, that the memorial of James Jay, with the accompanying documents, be printed for the use of the Senate, it was determined in the negative; and, on his motion, the committee on the memorial were discharged, and the further consideration thereof was postponed to the fourth Monday in May next.

Mr. Smith, of Maryland, from the committee to whom was referred the bill, entitled "An act making appropriations for the support of the Navy of the United States for the year 1813," reported it with amendments; which were considered and agreed to; and, on the question, Shall this bill be read a third time as amended? it was determined in the affirmative.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to alter the times of holding the district courts in the respective districts of New York and Virginia, and to authorize the district judges to appoint commissioners to take affidavits and bail in certain cases;" and the bill was amended as reported by the select committee.

On the question, Shall this bill be read a third time as amended? it was determined in the affirmative.

The amendment to the bill, entitled "An act for the relief of Susannah Wiley," was reported by the committee correctly engrossed, and the bill was read a third time as amended.

Resolved, That this bill pass with an amendment.

A message from the House of Representatives informed the Senate that the House concur in the amendment of the Senate to their amendments to the bill, entitled "An act giving further time to purchasers of public lands to complete their payments," with amendment, in which they request the concurrence of the Senate. They have passed a bill, entitled "An act making appropriation for alterations and repairs in the Capitol," in which they request the concurrence of the Senate.

The bill last mentioned was twice read by unanimous consent, and referred to a select committee, to consider and report thereon; and Messrs. GAILLARD, LEIB, and SMITH, of Maryland, were appointed the committee.

The Senate resumed, as in Committee of the Whole, the consideration of the bill authorizing the payment for wagons and teams captured or destroyed by the enemy.

On the question, Shall this bill be engrossed and read a third time? it was determined in the affirmative.

Mr. FRANKLIN, from the committee to whom was referred the bill, entitled "An act making appropriations for the support of the Military Establishment, and of the volunteer militia in the actual service of the United States, for the year 1813," reported it without amendment, and it passed to a third reading.

The resolution for additional compensation to the waiters usually attending the Senate was read the second time, and ordered to be engrossed and read a third time.

The bill, entitled "An act to prohibit the use of licenses or passes issued under the authority of any foreign Government," was read the second time, and referred to the Committee on Foreign Relations, to consider and report thereon.

The bill to provide for the accommodation of the President of the United States was read the second time.

The bill for the protection of the commerce and seamen of the United States against the Algerine cruisers was read the second time.

The resolution for additional compensation to the waiters usually attending the Senate; the bill authorizing the payment for wagons and teams captured or destroyed by the enemy; also, the amendments to the bill, entitled "An act to alter the times of holding the district court in the respective districts of New York and Virginia, and to authorize the district judges to appoint commissioners to take affidavits and bail in certain cases," were reported by the committee correctly engrossed.

On motion, by Mr. BIBB, the further consideration of the bill, entitled "An act to enable the people of the Mississippi Territory to form a constitution and State government, and for the admission of such Territory into the Union on an equal footing with the original States," together with the report of the select committee on the subject, was postponed to the fourth Monday in May next.

The resolution requesting the President of the United States, to present medals to Captain William Bainbridge, and the officers of the frigate Constitution, having been reported correctly engrossed, was read a third time, and passed.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act altering the time for holding the district court in the District of Maine."

Ordered, That it pass to a third reading.

On motion, by Mr. SMITH, of Maryland, the bill from the House of Representatives, entitled "An act extending the time for issuing and locating military land warrants," was postponed to the fourth Monday in May next.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act supplementary to the act for increasing the Navy," together with the amendment reported thereto by the select committee; and, on the question, to agree to the proposed amendment, which goes to strike out, in section 1, line 4, the word "six," and insert "two," a division of the question was called for, and, on the question to strike out, it was determined in the negative—yeas 9, nays 13, as follows:

YEAS—Messrs. Bayard, German, Gilman, Goodrich, Leib, Lloyd, Magruder, Smith of Maryland, and Tait.

NAYS—Messrs. Brent, Brown, Crawford, Cutts, Giles, Gregg, Howell, Robinson, Smith of New York, Taylor, Turner, Varnum, and Worthington.

On motion, to strike out, in section 1, line 6, the words "or to procure," it was determined in the affirmative—yeas 16, nays 7, as follows:

YEAS—Messrs. Bayard, Brown, Crawford, Cutts, Gaillard, Gilman, Goodrich, Gregg, Howell, Leib, Lloyd, Magruder, Smith of Maryland, Tait, Varnum, and Worthington.

NAYS—Messrs. Bibb, Brent, Campbell of Tennessee, Robinson, Smith of New York, Taylor, and Turner.

On motion, to strike out the seventh section of the bill, as follows:

SEC. 7. *And be it further enacted*, That the Secretaries of War and Navy be, and they are hereby, authorized to fix the relative rank of officers of the Army and Navy, to be approved of by the President, and then recorded in the different departments, and deemed and taken as one of the standing rules of the respective departments:"

It was determined in the affirmative—yeas 14, nays 13, as follows:

YEAS—Messrs. Bayard, Bibb, Brent, Brown, Crawford, Gaillard, German, Goodrich, Lloyd, Magruder, Tait, Taylor, Varnum, and Worthington.

NAYS—Messrs. Campbell of Tennessee, Franklin, Giles, Gilman, Gregg, Howell, Leib, Pope, Reed, Robinson, Smith of Maryland, Smith of New York, and Turner.

And the bill having been amended, the President reported it to the House accordingly. On the question, Shall this bill be read a third time

as amended? it was determined in the affirmative.

A message from the House of Representatives informed the Senate that the House have passed the resolution requesting the President of the United States to cause to be prepared and laid before Congress a system of military discipline, with amendments, in which they request the concurrence of the Senate. They have also passed the bill, entitled "An act for the better organization of the general staff of the Army of the United States," with an amendment, in which they request the concurrence of the Senate.

The Senate took into consideration the amendment of the House of Representatives to the bill last mentioned; and concurred therein.

The Senate proceeded to consider the amendments of the House of Representatives to the resolution requesting the President of the United States to cause to be prepared and laid before Congress a system of military discipline; and concurred therein.

Mr. GAILLARD, from the committee to whom was referred the bill, entitled "An act making appropriations for alterations and repairs to the Capitol," reported it with amendment.

Mr. CAMPBELL, of Tennessee, from the committee to whom was referred the bill, entitled "An act to prohibit the use of licenses or passes under the authority of any foreign Government," reported it with amendments.

The Senate proceeded to consider their last amendment to the bill, entitled "An act giving further time to purchasers of public lands to complete their payments," disagreed to by the House of Representatives; and receded therefrom.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act giving further time for delivering the evidence in support of claims to land in the Territory of Missouri, and for regulating the donation grants therein."

Ordered, That it pass to a third reading.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of
Representatives of the United States:

I lay before Congress a report of the Secretary of the Treasury, containing a statement of proceedings under the "Act to regulate the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio."

JAMES MADISON.

MARCH 1, 1813.

The Message and report were read.

WEDNESDAY, March 3.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act concerning invalid pensioners;" also, a bill, entitled "An act prohibiting the exportation of certain articles therein specified, in foreign ships or vessels;" in which they request the concurrence of the Senate.

The two bills last mentioned were severally twice read by unanimous consent.

Ordered, That the bill, entitled "An act prohibiting the exportation of certain articles therein specified, in foreign ships or vessels," be referred to the Committee on Foreign Relations, to consider and report thereon.

Mr. CAMPBELL, of Tennessee, from the committee to whom was referred the last mentioned bill, reported it without amendment.

On motion, the bill, entitled "An act concerning invalid pensioners," was referred to a select committee, to consider and report thereon; and Messrs. FRANKLIN, GILES, and HOWELL, were appointed the committee.

Mr. FRANKLIN, from the committee to whom was referred the last mentioned bill, reported it without amendment.

The amendment to the bill, entitled "An act making appropriations for the support of the Navy for the year 1813," was reported by the committee correctly engrossed, and the bill was read a third time as amended.

Resolved, That this bill pass with amendments.

The PRESIDENT communicated a report of the Secretary for the Department of War, made conformably to a resolution of the Senate, of the 27th of February last, in relation to the provisions of the "Act for arming and equipping the whole body of the militia of the United States;" and the report was read.

The resolution submitted the 1st instant was read a third time and passed, as follows:

Resolved, That the Secretary of the Senate be directed to pay to Robert Tweedy, Benjamin Bowen, and Tobias Simpson, fifty dollars each; and to Charles Tims, twenty-five dollars, as an additional compensation for their services during the present session.

On motion, by Mr. CAMPBELL, of Tennessee, to suspend so much of the twelfth rule for conducting business in the Senate, as provides that the three readings of a bill be on three separate days, it was determined in the affirmative—yeas 17, nays 11, as follows:

YEAS—Messrs. Bibb, Brent, Brown, Campbell of Tennessee, Crawford, Cutts, Franklin, Gaillard, Howell, Magruder, Robinson, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

NAYS—Messrs. Bayard, Campbell of Ohio, German, Giles, Gilman, Goodrich, Leib, Lloyd, Pope, Reed, and Smith of Maryland.

The bill, entitled "An act making appropriations for the support of the Military Establishment, and the volunteer militia in the actual service of the United States, for the year 1813," was read a third time, and passed.

On motion, the bill for the relief of Joseph Brevard, also the bill to alter the times and places of holding the circuit courts for the sixth circuit of the United States, were severally postponed to the fourth Monday in May next.

On motion, the bill, entitled "An act for the relief of Samuel Ellis;" the bill, entitled "An act establishing an elementary exercise for the

infantry of the militia and army of the United States;" also, the bill, entitled "An act regulating foreign coins, and for other purposes;" were severally postponed to the fourth Monday in May next.

The PRESIDENT communicated the memorial of the Legislature of the Indiana Territory, stating that, in consequence of the exposed situation of the inhabitants, and the disordered state of the Territory, the late purchasers of public lands in said Territory have been prevented from cultivating their farms, and thereby rendered unable to pay the future instalments on their purchases to Government, and praying such relief as Congress may in their justice extend to them; and the memorial was read.

A message from the House of Representatives informed the Senate that the House have passed the bill, entitled "An act for the relief of Nathaniel G. Ingraham, Alexander Phœnix, and William Nexsen, junior, with amendment; in which they request the concurrence of the Senate.

The Senate took into consideration the amendment of the House of Representatives to the bill last mentioned, and concurred therein.

The engrossed bill authorizing the payment for wagons and teams captured or destroyed by the enemy was read a third time, and passed.

The bill, entitled "An act altering the time for holding the district court in the district of Maine," was read a third time, and passed.

The amendments to the bill, entitled "An act to alter the times of holding the district court in the respective districts of New York and Virginia, and to authorize the district judges to appoint commissioners to take affidavits and bail in certain cases," having been reported by the committee correctly engrossed, the bill was read a third time as amended.

Resolved, That this bill pass with amendments.

The amendments to the bill, entitled "An act supplementary to the act for increasing the Navy," were reported by the committee correctly engrossed; and the bill was read the third time as amended.

Resolved, That this bill pass with amendments.

The bill, entitled "An act allowing further time for delivering the evidence in support of claims to land in the Territory of Missouri, and for regulating the donation grants therein," was read a third time, and passed.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act to release the claims of the United States in certain goods, wares, and merchandise, captured by private armed vessels."

On motion, to postpone the further consideration of the bill to the fourth Monday in May next, it was determined in the affirmative—yeas 14, nays 10, as follows:

YEAS—Messrs. Bayard, Brown, Cutts, Dana, German, Giles, Gilman, Goodrich, Leib, Lloyd, Reed, Smith of New York, Varnum, and Worthington.

NAYS—Messrs. Bibb, Brent, Crawford, Franklin, Gaillard, Howell, Robinson, Tait, Taylor, and Turner.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act to prohibit the use of licenses or passes issued under the authority of any foreign Government;" and Mr. FRANKLIN was requested to take the Chair; and, after debate, on motion, the Senate adjourned to six o'clock in the evening.

Six o'clock in the evening.

A message from the House of Representatives informed the Senate that they have passed a bill, entitled "An act to authorize the Secretary of the Treasury to provide new certificates of entry;" in which they request the concurrence of the Senate.

The bill last mentioned was read three times by unanimous consent, and passed.

A message from the House of Representatives informed the Senate that the House have passed a resolution for the appointment of a joint committee to wait on the President of the United States and notify him of the intended recess, and have appointed a committee on their part, and request the concurrence of the Senate in said resolution.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act concerning invalid pensioners;" and the bill was amended.

On the question, Shall this bill be read a third time as amended? it was determined in the affirmative.

The amendment to the bill last mentioned was reported by the committee correctly engrossed, and the bill was read a third time as amended.

Resolved, That this bill pass with amendment.

The Senate resumed, as in Committee of the Whole, the bill to provide for the accommodation of the President of the United States; and, on the question, Shall this bill be engrossed, and read a third time? it was determined in the affirmative.

The bill last mentioned having been examined, was read a third time, and passed.

The Senate resumed, as in Committee of the Whole, the consideration of the bill, entitled "An act making appropriation for alterations and repairs in the Capitol;" and no amendment having been agreed to, the bill was read a third time, and passed.

The Senate proceeded to consider the resolution from the House of Representatives, for the appointment of a joint committee to wait on the President of the United States, and notify him of the intended recess, and concurred therein; and Messrs. VARNUM and GAILLARD were appointed the committee on the part of the Senate.

The Senate resumed, as in Committee of the Whole, the bill, entitled "An act supplementary to the acts heretofore passed on the subject of an uniform rule of naturalization," and the bill having been amended, on the question, Shall this bill be read a third time as amended? it was de-

termined unanimously in the affirmative—yeas 22, as follows:

Messrs. Bayard, Bibb, Brent, Campbell of Tennessee, Crawford, Cutts, Dana, Franklin, Gaillard, Giles, Goodrich, Howell, Leib, Lloyd, Magruder, Pope, Reed, Smith of Maryland, Smith of New York, Taylor, Turner, and Varnum.

And the bill was read a third time as amended.

Resolved, That this bill pass with amendments.

On motion, the further consideration of the bill, entitled "An act prohibiting the exportation of certain articles therein specified in foreign ships or vessels," was postponed to the fourth Monday in May next.

On motion, the further consideration of the bill, entitled "An act to prohibit the use of licenses or passes, issued under the authority of any foreign Government, was postponed to the fourth Monday in May next.

Mr. VARNUM reported, from the committee, that they had waited on the President of the United States, who informed them that he had no further communications to make to the two Houses of Congress. Whereupon, the President adjourned the Senate to meet on the fourth Monday in May next.

INAUGURAL SPEECH.

From the National Intelligencer of March 5, 1813.

Yesterday being the day on which commenced the second term of Mr. Madison's re-election to the Presidency, he took the oath to support the Constitution of the United States, administered to him by Chief Justice Marshall, in the presence of many members of Congress, the Judges of the Supreme Court, the foreign Ministers, and a great concourse of ladies and gentlemen. The President was escorted to the Capitol by the cavalry of the District, and received, on his approach to it, by the several volunteer corps of this city, Georgetown, and Alexandria, drawn up in line for the purpose. Previous to taking the oath in the Chamber of the House of Representatives, the President delivered the following

SPEECH:

About to add the solemnity of an oath to the obligations imposed by a second call to the station, in which my country heretofore placed me, I find, in the presence of this respectable assembly, an opportunity of publicly repeating my profound sense of so distinguished a confidence, and of the responsibility united with it. The impressions on me are strengthened by such an evidence, that my faithful endeavors to discharge my arduous duties have been favorably estimated; and by a consideration of the momentous period at which the trust has been renewed. From the weight and magnitude now belonging to it, I should be compelled to shrink, if I had less reliance on the support of an enlightened and generous people, and felt less deeply a conviction, that the war with a powerful nation, which forms so prominent a feature in our situation, is stamped with that justice, which invites the smiles of Heaven on the means of conducting it to a successful termination.

May we not cherish this sentiment, without presumption, when we reflect on the characters by which this war is distinguished?

It was not declared on the part of the United States, until it had been long made on them, in reality, though not in name; until arguments and expostulations had been exhausted; until a positive declaration had been received, that the wrongs provoking it would not be discontinued; nor until this last appeal could no longer be delayed without breaking down the spirit of the nation, destroying all confidence in itself and in its political institutions, and either perpetuating a state of disgraceful suffering, or regaining, by more costly sacrifices and more severe struggles, our lost rank and respect among independent Powers.

On the issue of the war are staked our national sovereignty on the high seas, and the security of an important class of citizens, whose occupations give the proper value to those of every other class. Not to contend for such a stake, is to surrender our equality with other Powers on the element common to all, and to violate the sacred title which every member of the society has to its protection. I need not call into view the unlawfulness of the practice by which our mariners are forced, at the will of every cruising officer, from their own vessels into foreign ones, nor paint the outrages inseparable from it. The proofs are in the records of each successive administration of our Government; and the cruel sufferings of that portion of the American people have found their way to every bosom not dead to the sympathies of human nature.

As the war was just in its origin, and necessary and noble in its objects, we can reflect with a proud satisfaction, that, in carrying it on, no principle of justice or honor, no usage of civilized nations, no precept of courtesy or humanity have been infringed. The war has been waged on our part with scrupulous regard to all these obligations, and in a spirit of liberality which was never surpassed.

How little has been the effect of this example on the conduct of the enemy!

They have retained as prisoners of war citizens of the United States, not liable to be so considered under the usages of war.

They have refused to consider as prisoners of war, and threatened to punish as traitors and deserters, persons emigrating, without restraint, to the United States; incorporated, by naturalization into our political family, and fighting under the authority of their adopted country, in open and honorable war, for the maintenance of its rights and safety. Such is the avowed purpose of a Government which is in the practice of naturalizing, by thousands, citizens of other countries, and not only of permitting, but compelling, them to fight its battles against their native country.

They have not, it is true, taken into their own hands the hatchet and the knife, devoted to indiscriminate massacre; but they have let loose the savages, armed with these cruel instruments; have allured them into their service, and carried them to battle by their sides, eager to glut their savage thirst with the blood of the vanquished, and to finish the work of torture and death on maimed and defenceless captives: and, what was never before seen, British commanders have extorted victory over the unconquerable valor of our troops, by presenting to the sympathy of their chief awaiting massacre from their savage associates.

And now we find them, in further contempt of the modes of honorable warfare, supplying the place of a conquering force, by attempts to disorganize our political society, to dismember our confederated Republic. Happily, like others, these will recoil on the authors; but they mark the degenerate counsels from which they emanate: and if they did not belong to a series of unexampled inconsistencies, might excite the greater wonder, as proceeding from a Government which founded the very war in which it has been so long engaged, on a charge against the disorganizing and insurrectional policy of its adversary.

To render the justice of the war on our part the more conspicuous, the reluctance to commence it was followed by the earliest and strongest manifestations of a disposition to arrest its progress. The sword was scarcely out of the scabbard, before the enemy was apprized of the reasonable terms on which it would be resheathed. Still more precise advances were repeated, and have been received in a spirit forbidding every reliance not placed on the military resources of the nation.

These resources are amply sufficient to bring the war to an honorable issue. Our nation is, in number, more than half that of the British isles. It is composed of a brave, a free, a virtuous, and an intelligent people. Our country abounds in the necessaries, the arts, and the comforts of life. A general prosperity is visible in the public countenance. The means employed by the British Cabinet to undermine it, have recoiled on themselves; have given to our national faculties a more rapid development; and draining or diverting the precious metals from British circulation and British vaults, have poured them into those of the United States. It is a propitious consideration, that an unavoidable war should have found this seasonable facility for the contributions required to support it. When the public voice called for war, all knew and still know, that without them it could not be carried on through the period which it might last; and the patriotism, the good sense, and the manly spirit of our fellow-citizens, are pledges for the cheerfulness with which they will bear each his share of the common burden. To render the war short, and its success sure, animated, and systematic exertions alone are necessary; and the success of our arms now may long preserve our country from the necessity of another resort to them. Already have the gallant exploits of our naval heroes proved to the world our inherent capacity to maintain our rights on one element. If the reputation of our arms has been thrown under clouds on the other, presaging flashes of heroic enterprise assure us that nothing is wanting to correspondent triumphs there also, but the discipline and habits which are in daily progress.

CONFIDENTIAL PROCEEDINGS OF THE SENATE.

At the Second Session of the Twelfth Congress.

SATURDAY, July 31, 1813.

On motion, by Mr. ANDERSON,

Ordered, That the confidential proceedings of the Senate at their last session, in relation to East Florida, be made public.

THURSDAY, December 10, 1812.

Mr. ANDERSON submitted the following motion for consideration, which was read:

Resolved, That a committee be appointed to consider whether it be expedient to authorize the President of the United States to occupy and hold the whole or any part of East Florida, including Amelia Island, and also those parts of West Florida which are not now in the possession and under the jurisdiction of the United States, with leave to report by bill or otherwise.

TUESDAY, December 15.

The Senate proceeded to consider the motion submitted the 10th instant, respecting the Floridas; and, after debate, the further consideration thereof was postponed to Monday next.

WEDNESDAY, December 16.

Mr. LEIB submitted the following motion for consideration:

Resolved, That the President of the United States be requested to cause to be laid before the Senate any information which he may have of the intention of the enemy to take possession of East Florida, and of the disposition of the people of that Territory to be received under the protection of the Government of the United States; the amount of the American force in that neighborhood, and under the command of General Wilkinson; and the quantum of Spanish or other force in St. Augustine, Pensacola, and Mobile.

FRIDAY, December 18.

The Senate proceeded to consider the motion submitted the 16th instant, calling upon the President of the United States for information respecting East Florida; and, on motion by Mr. GOODRICH, to amend the motion, so as to read as follows:

Resolved, That the President of the United States be requested to cause to be laid before the Senate any information which he may have of the intention of the

enemy to take possession of East Florida, and of the disposition of the people of that Territory to be received under the protection of the Government of the United States; the amount of the American force in that neighborhood, and under the command of General Wilkinson; and the quantum of the Spanish or other force in St. Augustine, Pensacola, and Mobile; and respecting any negotiation that may have been had for the settlement of differences and claims existing between the United States and Spain, not heretofore laid before the Senate; respecting any proposal or negotiation that may have been made, or had, by or with any person or persons exercising the powers of the Government of Spain, or claiming to exercise the powers of said Government, or with their respective agents, for the cession of East Florida to the United States; respecting any proposal to or from the local authorities of East Florida, (not heretofore communicated,) for the cession, surrender, or occupancy thereof, to or by the United States; and also, any information respecting the relations of the United States with Spain or said Territory of East Florida, which the President may deem proper to communicate.

On motion, by Mr. ANDERSON, the further consideration of the motion for amendment was postponed to Monday next.

TUESDAY, December 22.

The Senate resumed the motion made the 10th instant to appoint a committee to inquire into the expediency of taking possession of East Florida; and, on motion by Mr. SMITH, of Maryland, to postpone the further consideration thereof to Monday next, it was determined in the negative—yeas 15, nays 15, as follows:

YEAS—Messrs. Bradley, Campbell of Ohio, Dana, German, Gilman, Goodrich, Gregg, Horsey, Howell, Hunter, Lambert, Leib, Lloyd, Pope, and Smith of Maryland.

NAYS—Messrs. Anderson, Bibb, Campbell of Tennessee, Crawford, Franklin, Gaillard, Magruder, Posey, Robinson, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

On motion, by Mr. LEIB, to strike out the words "with leave to report by bill or otherwise," it was determined in the negative.

On the question to agree to the original motion, it was determined in the affirmative—yeas 18, nays 12, as follows:

YEAS—Messrs. Anderson, Bibb, Campbell of Ohio, Campbell of Tennessee, Crawford, Franklin, Gaillard, Howell, Leib, Magruder, Posey, Robinson, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

NAYS—Messrs. Bradley, Dana, German, Gilman, Goodrich Gregg, Horsey, Hunter, Lambert, Lloyd, Pope, and Smith of Maryland.

Ordered, That Messrs. ANDERSON, GOODRICH, SMITH, of Maryland, TAIT, and VARNUM, be the committee.

The Senate resumed the consideration of the motion made the 16th instant, calling upon the President of the United States for information respecting East Florida, together with the amendment proposed thereto on the 18th instant; and, having agreed to the amendment,

Resolved, That the motion be agreed to as amended.

Ordered, That the Secretary lay this resolution before the President of the United States.

THURSDAY, January 14, 1813.

The following confidential Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

I transmit to the Senate a report of the Secretary of State, complying with their resolution of the 22d December. JAMES MADISON.

JANUARY 14, 1813.

The Message and report were read. And on motion, by Mr. LEIB, that they be printed confidentially for the use of the Senate, it was agreed that the motion be postponed until to-morrow.

FRIDAY, January 15.

The Senate resumed the consideration of the motion made yesterday, "that the Message and report respecting East Florida be printed confidentially for the use of the Senate, with the exception of the return of the number of troops and their respective stations, on the Southern and Western frontier;" and, on the question to agree thereto, it was determined in the negative—yeas 13, nays 18, as follows:

YEAS—Messrs. Bayard, German, Gilman, Goodrich, Gregg, Horsey, Hunter, Lambert, Leib, Lloyd, Pope, Reed, and Smith of Maryland.

NAYS—Messrs. Anderson, Bibb, Bradley, Campbell of Tennessee, Crawford, Cutts, Franklin, Gaillard, Howell, Magruder, Posey, Robinson, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

On motion, by Mr. ANDERSON,

Ordered, That the Message, and documents therein referred to, be referred to the committee appointed the 22d December on the same subject, to consider and report thereon.

Mr. BRADLEY submitted the following motion for consideration:

Resolved, That the President of the United States be requested to cause to be laid before the Senate all letters and communications that have passed between the Government of the United States and that of Spain, or the Ministers thereof, since the 9th day of January, 1804, on the subject of indemnities for spoliations committed on our commerce by her subjects before that time; and also, in relation to French seizures and condemnation of our vessels in the ports of Spain, during the late war with France; together with such communications between this and the French Government as relate to the same subjects; with such instructions as have been given to the Ministers of the United States in relation to the same. And any propositions or negotiations that have been had or made with France or Spain, for ceding East Florida to the United States, previous to the 15th day of January, 1811, not heretofore communicated.

SATURDAY, January 16.

The Senate proceeded to consider the motion submitted yesterday by Mr. BRADLEY; and, on

motion, by Mr. CAMPBELL, of Ohio, the further consideration thereof was postponed until Monday next.

MONDAY, January 18.

The motion submitted by Mr. BRADLEY on the 15th instant was resumed and agreed to without amendment.

Ordered, That the Secretary lay the said resolution before the President of the United States.

TUESDAY, January 19.

Mr. ANDERSON, from the committee appointed the 22d December on the subject, reported the following bill:

A bill authorizing the President of the United States to take possession of a tract of country lying south of the Mississippi Territory and of the State of Georgia, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he is hereby, authorized to occupy and hold all that tract of country called West Florida, which lies west of the river Perdido, not now in possession of the United States.

SEC. 2. *And be it further enacted*, That the President be, and he is hereby, authorized to occupy and hold all that part of West Florida east of the Perdido, and the whole or any part of East Florida, including Amelia Island.

SEC. 3. *And be it further enacted*, That, for the purpose of occupying and holding the country aforesaid, and of affording protection to the inhabitants thereof, under the authority of the United States, the President may employ such parts of the military and naval force of the United States as he may deem necessary.

SEC. 4. *And be it further enacted*, That, for defraying the necessary expenses, —— dollars are hereby appropriated, to be paid out of any moneys in the Treasury, not otherwise appropriated, and to be applied for the purposes aforesaid, under the direction of the President.

SEC. 5. *And be it further enacted*, That, until further provision shall be made by Congress, the President shall be, and hereby is, empowered to establish within the country he may acquire by this act a temporary Government, the civil and military authorities of which shall be vested in such person or persons as he may appoint, and be exercised in such manner as he may direct: *Provided*, That he shall take due care for the preservation of social order, and for securing to the inhabitants the enjoyment of their personal rights, their religion, and their property: *And provided, also*, That the section of country herein designated, that is situated to the eastward of the river Perdido, may be the subject of future negotiation.

The bill was read; and passed to the second reading.

FRIDAY, January 22.

The bill authorizing the President of the United States to take possession of a tract of country lying south of the Mississippi Territory and of the State of Georgia, and for other purposes, was read the second time.

Mr. LEIB submitted the following motion for consideration:

Resolved, That the documents which accompanied the President's Message of the 14th instant, be confidentially printed for the use of the Senate, excepting those papers which relate to the stations and the amount of the military force of the United States, and the letter of General Pinckney of the 27th December.

On motion, by Mr. LEIB, that the bill be now taken up and considered, it was determined in the negative.

MONDAY, January 25.

On motion, by Mr. ANDERSON, that the bill authorizing the President of the United States to take possession of a tract of country lying south of the Mississippi Territory and of the State of Georgia, and for other purposes, be now considered, it was determined in the negative.

The Senate proceeded to consider the motion submitted on the 22d instant, by Mr. LEIB; and, on motion, by Mr. BAYARD, that the further consideration thereof be postponed until to-morrow, it was determined in the negative.

On the question to agree to the resolution, on motion, by Mr. REED, it was agreed that it be taken by yeas and nays; and, on motion, by Mr. BAYARD, the Senate adjourned.

TUESDAY, January 26.

On motion, by Mr. ANDERSON, the Senate resumed, as in Committee of the Whole, the consideration of the bill authorizing the President of the United States to take possession of a tract of country lying south of the Mississippi Territory, and of the State of Georgia, and for other purposes; and, on motion, by Mr. LEIB, that the further consideration of the bill be postponed in order to consider his motion, to have printed certain documents referred to in the Message of the President of the United States of the 14th instant, it was determined in the negative.

Mr. GAILLARD was requested to take the Chair; and the consideration of the bill was recurred to.

A motion was made by Mr. SMITH, of Maryland, to strike out the second section of the bill; and, on his motion, it was agreed to take the question by yeas and nays.

On motion, by Mr. BRADLEY, the further consideration of the bill was postponed to, and made the order of the day for, to-morrow.

Mr. TAIT presented the memorial of the Legislature of the State of Georgia, recommending to, and soliciting, Congress to authorize the President of the United States to take immediate possession of the province of East Florida, and that portion of West Florida purchased from France, but still retained by Spain; for reasons stated at large in the memorial; which was read.

On motion, by Mr. LEIB, the Senate resumed his motion, submitted the 22d instant, that the documents referred to in the Message of the President of the United States of the 14th instant be printed; and the motion was amended.

Resolved, That the documents which accompanied the President's Message, of the 14th instant, be confidentially printed for the use of the members of the Senate, excepting those papers which relate to the stations and amount of the military force of the United States, the report of the Secretary of State, and the letters of General Pinckney.

On the question, to agree to the motion as amended, it was determined in the affirmative—yeas 18, nays 12, as follows:

YEAS—Messrs. Bradley, Campbell of Ohio, Campbell of Tennessee, Dana, German, Giles, Gilman, Goodrich, Gregg, Horsey, Hunter, Lambert, Leib, Lloyd, Pope, Posey, Reed, and Smith of Maryland.

NAYS—Messrs. Anderson, Bibb, Crawford, Cutts, Franklin, Gaillard, Howell, Magruder, Robinson, Tait, Taylor, and Worthington.

The following confidential Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

I transmit to the Senate a report of the Secretary of State, complying with their resolution of the 8th inst.

JAMES MADISON.

JANUARY 26, 1813.

The Message and report were read; and then the Senate adjourned.

WEDNESDAY, January 27.

The following confidential Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

I transmit to the Senate a report of the Secretary of War, complying with their resolution of the 7th inst.

JAMES MADISON.

JANUARY 27, 1813.

The Message and report were read.

Mr. HORSEY submitted the following motion for consideration, which was read:

Resolved, That the injunction of secrecy in relation to the President's Message, of the 26th instant, communicating certain papers, marked A and B, in compliance with the resolution of the Senate of the 18th instant, be, and the same is hereby, removed.

THURSDAY, January 28.

The Senate resumed, as in Committee of the Whole, the consideration of the bill authorizing the President of the United States to take possession of a tract of country lying south of the Mississippi Territory and the State of Georgia, and for other purposes; and on motion, by Mr. ANDERSON, the further consideration thereof was postponed to, and made the order of the day for, to-morrow.

The Senate proceeded to consider the motion submitted yesterday, by Mr. HORSEY, to remove the injunction of secrecy from certain papers; and, on motion, the further consideration thereof was postponed until to-morrow.

FRIDAY, January 29.

The Senate resumed, as in Committee of the Whole, the consideration of the bill authorizing the President of the United States to take possession of a tract of country lying south of the Mississippi Territory and of the State of Georgia, and for other purposes; and Mr. GAILLARD was requested to take the Chair; and the motion to strike out the second section of the bill was resumed; and, after debate, adjourned.

MONDAY, February 1.

The Senate resumed, as in Committee of the Whole, the consideration of the bill authorizing the President of the United States to take possession of a tract of country lying south of the Mississippi Territory and of the State of Georgia, and for other purposes, together with the motion to strike out the second section thereof; and Mr. GAILLARD was requested to take the Chair; and, after debate, the consideration thereof was further postponed until to-morrow.

TUESDAY, February 2.

The Senate resumed, as in Committee of the Whole, the consideration of the bill authorizing the President of the United States to take possession of a tract of country lying south of the Mississippi Territory and of the State of Georgia, and for other purposes, together with the motion to strike out the second section thereof; and Mr. GAILLARD was requested to take the Chair:

On the question, to strike out the second section, as follows:

"SEC. 2. *And be it further enacted*, That the President be, and he is hereby, authorized to occupy and hold all that part of West Florida east of the Perdido, and the whole or any part of East Florida, including Amelia Island:"

It was determined in the affirmative—yeas 19, nays 16, as follows:

YEAS—Messrs. Bayard, Bradley, Campbell of Ohio, Dana, German, Giles, Gilman, Goodrich, Gregg, Horsey, Howell, Hunter, Lambert, Leib, Lloyd, Pope, Reed, Smith of Maryland, and Smith of New York.

NAYS—Messrs. Anderson, Bibb, Brent, Campbell of Tennessee, Crawford, Cutts, Franklin, Gaillard, Magruder, Posey, Robinson, Tait, Taylor, Turner, Varnum, and Worthington.

A motion was made, by Mr. SMITH, of Maryland, to strike out the fifth section of the bill; and, on motion, the Senate adjourned.

WEDNESDAY, February 3.

On motion, by Mr. ANDERSON, the Senate resumed, as in Committee of the Whole, the consideration of the bill authorizing the President of the United States to take possession of a tract of country lying south of the Mississippi Territory and of the State of Georgia, and for other purposes; together with the motion to strike out the fifth section; and Mr. GAILLARD was requested to take the Chair.

Whereupon, Mr. SMITH, of Maryland, withdrew his motion to strike out the fifth section of the bill.

A motion was made, by Mr. CAMPBELL, of Ohio, to insert, in lieu of the second section stricken out, the following:

"*And be it further enacted*, That, if hostilities shall be committed by the Spanish nation, its colonies, or dependencies, against the United States, or if it shall be ascertained, to the satisfaction of the President of the United States, that the safety and security of the United States, or any part thereof, are in imminent danger from the Spanish authorities in East Florida, and in that part of West Florida lying east of the river Perdido, the President of the United States is hereby authorized to occupy the said provinces, or any part thereof, including Amelia Island."

Whereupon, a motion was made, by Mr. BRADLEY, to amend the proposed section, by inserting, after the word "that," in the first line, the following words: "upon the troops of the United States being withdrawn from the province of East Florida."

And a motion was made, by Mr. POPE, that the further consideration of the bill be postponed to the first Monday in June next; and it was determined in the negative—yeas 16, nays 17, as follows:

YEAS—Messrs. Bayard, Bradley, Dana, German, Giles, Gilman, Goodrich, Gregg, Horsey, Howell, Hunter, Lambert, Lloyd, Pope, Reed, and Smith of Maryland.

NAYS—Messrs. Anderson, Bibb, Campbell of Ohio, Campbell of Tennessee, Crawford, Cutts, Franklin, Gaillard, Leib, Magruder, Posey, Robinson, Tait, Taylor, Turner, Varnum, and Worthington.

On the question, to agree to the motion for amendment to the amendment, it was determined in the negative—the Senate being equally divided, yeas 17, nays 17.

Those who voted in the affirmative, are—

Messrs. Bayard, Bradley, Dana, German, Giles, Gilman, Goodrich, Gregg, Horsey, Howell, Hunter, Lambert, Leib, Lloyd, Pope, Reed, and Smith of Maryland.

Those who voted in the negative, are—

Messrs. Anderson, Bibb, Campbell of Ohio, Campbell of Tennessee, Crawford, Cutts, Franklin, Gaillard, Magruder, Posey, Robinson, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

On the question, to agree to the motion for amending the second section, it was determined in the negative—yeas 14, nays 20, as follows:

YEAS—Messrs. Anderson, Campbell of Ohio, Campbell of Tennessee, Crawford, Cutts, Gaillard, Leib, Magruder, Posey, Robinson, Tait, Taylor, Varnum, and Worthington.

NAYS—Messrs. Bayard, Bibb, Bradley, Dana, Franklin, German, Giles, Gilman, Goodrich, Gregg, Horsey, Howell, Hunter, Lambert, Lloyd, Pope, Reed, Smith of Maryland, Smith of New York, and Turner.

On motion, it was agreed to strike out the fifth section of the bill.

On the question, Shall the bill be engrossed and read a third time as amended? it was determined in the negative.

FRIDAY, February 5.

The bill authorizing the President of the United States to take possession of a tract of country lying south of the Mississippi Territory and of the State of Georgia, and for other purposes, was reported by the committee correctly engrossed; and the bill was read the third time.

On motion, by Mr. ANDERSON, it was agreed to fill the blank with the words "twenty thousand."

On the question, Shall this bill pass? it was determined in the affirmative—yeas 22, nays 11, as follows:

YEAS—Messrs. Anderson, Bayard, Bibb, Brown, Campbell of Ohio, Campbell of Tennessee, Crawford, Cutts, Franklin, Gaillard, Gregg, Howell, Leib, Magruder, Robinson, Smith of Maryland, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

NAYS—Messrs. Bradley, Dana, German, Giles, Goodrich, Horsey, Hunter, Lambert, Lloyd, Pope, and Reed.

So it was *Resolved*, That the bill do pass; and, on motion, it was agreed that the title thereof be "An act authorizing the President of the United States to take possession of a tract of country lying south of the Mississippi Territory and west of the river Perdido."

On motion, by Mr. ANDERSON,

Resolved, That a committee be appointed, to consist of two members, to carry the said bill to the House of Representatives and ask their concurrence therein.

Ordered, That Messrs. ANDERSON and BRADLEY be the committee.

The Senate resumed the consideration of the motion submitted the 27th of January, to print certain documents; and, after debate, on motion, the Senate adjourned.

MONDAY, February 8.

On motion, *Ordered*, That Mr. DANA be of the committee appointed the 5th instant, to carry a confidential bill to the House of Representatives, in place of Mr. BRADLEY, absent.

TUESDAY, February 9.

The following confidential message was received from the House of Representatives, by Messrs. TROUP and ROBERTSON, two of their members; Mr. TROUP, chairman:

Mr. President: The House of Representatives have passed the bill sent from the Senate, entitled "An act authorizing the President of the United States to take possession of a tract of country lying south of the Mississippi Territory and west of the river Perdido."

And the Senate then adjourned.

THURSDAY, February 11.

Mr. CAMPBELL, of Ohio, from the committee, reported the bill, entitled "An act authorizing

he President of the United States to take possession of a tract of country lying south of the Mississippi Territory and west of the river Perdido," duly enrolled.

The following message was received from the House of Representatives, by Messrs. CRAWFORD and GOODWYN, two of their members; Mr. CRAWFORD, chairman:

Mr. President: The Speaker of the House of Representatives having signed an enrolled bill, we are directed to bring it to the Senate for the signature of their President.

The PRESIDENT signed the enrolled bill last reported to have been examined, and it was delivered to the committee, to be laid before the President of the United States.

SATURDAY, February 13.

Mr. CAMPBELL, of Ohio, from the committee, reported that they yesterday laid before the President of the United States the enrolled bill, entitled "An act authorizing the President of the United States to take possession of a tract of country lying south of the Mississippi Territory and west of the river Perdido."

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Mr. President: The President of the United States did, on the 12th instant, approve and sign "An act authorizing the President of the United States to take possession of a tract of country lying south of the Mississippi Territory and west of the river Perdido."

Ordered, That the Secretary communicate this information to the House of Representatives.

On motion, the Senate adjourned.

TUESDAY, February 16.

The Senate resumed the consideration of the motion submitted by Mr. HORSEY on the 27th of January, to remove the injunction of secrecy from certain papers; and, on motion, it was agreed to amend the same to read as follows:

Resolved, That the injunction of secrecy in relation to the paper marked A, communicated in the President's Message of the 26th instant, be, and the same is hereby, removed.

On the question, to agree to the motion as amended, the Senate being equally divided, it was determined in the negative—yeas 16, nays 16, as follows:

YEAS—Messrs. Bayard, Bradley, Dana, Gaillard, German, Gilman, Goodrich, Gregg, Horsey, Hunter, Lambert, Leib, Lloyd, Pope, Reed, and Smith of Maryland.

NAYS—Messrs. Bibb, Brent, Brown, Campbell of Ohio, Crawford, Cutts, Franklin, Giles, Howell, Robinson, Smith of New York, Tait, Taylor, Turner, Varnum, and Worthington.

On motion, the Senate adjourned.

THURSDAY, February 18.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate of the United States:

I transmit to the Senate a report of the Secretary of State, complying with their resolution of the 18th of January, 1813.

JAMES MADISON.

FEBRUARY 18, 1813.

The Message and documents therein referred to were read.

PROCEEDINGS AND DEBATES

OF THE

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,

AT THE SECOND SESSION OF THE TWELFTH CONGRESS, BEGUN AT THE CITY OF WASHINGTON, MONDAY, NOVEMBER 2, 1812.

MONDAY, November 2, 1812.

This being the day appointed by law for the meeting of Congress, the following members of the House of Representatives appeared, and took their seats, to wit:

From New Hampshire—Samuel Dinsmoor, Obed Hall, and John A. Harper.

From Massachusetts—Abijah Bigelow, Elijah Brigham, Richard Cutts, Wm. Ely, Isaiah L. Green, Ebenezer Seaver, William M. Richardson, Charles Turner, jr., Laban Wheaton, Leonard White, William Widgery.

From Rhode Island—Richard Jackson, junior.

From Connecticut—Epaphroditus Champion, John Davenport, jr. Lyman Law, and Jonathan O. Moseley.

From Vermont—Martin Chittenden, Wm. Strong.

From New York—Daniel Avery, Harmanus Bleecker, James Emott, Asa Fitch, Sam. L. Mitchill, Benjamin Pond, Thomas Sammons, Pierre Van Cortlandt, jr.

From New Jersey—Adam Boyd, Lewis Condict, Jacob Hufty, and Thomas Newbold.

From Pennsylvania—Wm. Anderson, David Bard, Robert Brown, William Crawford, William Findley, Abner Lacock, Aaron Lyle, Jonathan Roberts, William Rodman, Adam Seybert, John Smilie, Geo. Smith, and Robert Whitehill.

From Maryland—Stevenson Archer, Charles Goldsborough, Joseph Kent, Philip B. Key, Peter Little, Alexander McKim, Samuel Ringgold, Philip Stuart, and Robert Wright.

From Virginia—John Baker, Burwell Bassett, Matthew Clay, John Dawson, Thomas Gholson, Peterson Goodwyn, Aylett Hawes, Joseph Lewis, jr., William McCoy, Hugh Nelson, Thomas Newton, James Pleasants, junior, and John Roane.

From North Carolina—Willis Alston, jr., William Blackledge, Meshack Franklin, Nathaniel Macon, Archibald McBryde, and Joseph Pearson.

From South Carolina—William Butler, John C. Calhoun, Elias Earle, William Lowndes, Thos. Moore, and Richard Winn.

From Georgia—William W. Bibb, Geo. M. Troup.

From Kentucky—Henry Clay, *Speaker*, Joseph Desha, and Stephen Ormsby.

From Tennessee—Felix Grundy, John Rhea, and John Sevier.

From Ohio—Jeremiah Morrow.

From Indiana Territory—Jona. Jennings, *Delegate.*

A quorum, consisting of a majority of the whole House, being present, it was ordered that the Clerk do acquaint the Senate therewith.

On motion of Mr. DAWSON, a committee was appointed on the part of the House, jointly, with such committee as may be appointed on the part of the Senate, to wait on the President of the United States, and inform him that a quorum of the two Houses is assembled, and ready to receive any communication he may be pleased to make to them.

Mr. DAWSON and Mr. BLEECKER were appointed the committee on the part of the House.

On motion of Mr. FINDLEY, the Clerk was directed to procure newspapers from any number of offices that the members shall elect; provided, that the expense do not exceed the amount of three daily newspapers.

No communication having been received from the Senate, the House adjourned till to-morrow morning.

TUESDAY, November 3.

Several other members, to wit: From Massachusetts, FRANCIS CARR; from Connecticut, TIMOTHY PITKIN, jr.; from Vermont, SAMUEL SHAW; from New York, ARUNAH METCALF, SILAS STOW, and URI TRACY; from Pennsylvania, JOHN M. HYNEMAN; from Virginia, JOHN SMITH, and THOMAS WILSON; from North Carolina, RICHARD STANFORD; from S. Carolina, LANGDON CHEVES and DAVID R. WILLIAMS; and, from Kentucky, RICHARD M. JOHNSON; appeared, and took their seats.

A message from the Senate informed the House that a quorum of the Senate is assembled, and ready to proceed to business. They have appointed a committee on their part, jointly, with the committee on the part of this House, to inform the President of the United States that a quorum of the two Houses is assembled, and ready to receive any communications he may be pleased to make to them.

Mr. DAWSON, from the joint committee appoint

ed to wait on the President of the United States, reported that the committee had performed the service assigned to them, and that the President answered that he would make a communication to the two Houses of Congress to-morrow at 12 o'clock.

And then the House adjourned.

WEDNESDAY, November 4.

Several other members, to wit: From Vermont, JAMES FISK; from North Carolina, WILLIAM R. KING and ISRAEL PICKENS,; from Georgia, BOLLING HALL; and from Kentucky, ANTHONY NEW; appeared, and took their seats.

A Message was received from the PRESIDENT OF THE UNITED STATES. [For which, see Senate proceedings of this date, *ante*, page 11.]

The Message having been read was referred, with the documents accompanying it, to the Committee of the whole House on the state of the Union.

THURSDAY, November 5.

A message from the Senate informed the House that the Senate have passed a resolution for the appointment of a joint committee to have the application of the money appropriated to the purchase of books and maps, for the use of the two Houses of Congress.

The House proceeded to consider the resolution; and it was agreed to: and Mr. MITCHILL, Mr. SEYBERT, and Mr. EMOTT, were appointed the committee on their part.

Mr. GOODWYN moved a resolution for appointing two Chaplains of different denominations, &c., as usual—which was ordered to lie on the table.

A message was received from the Senate making a similar proposition, and was taken up and agreed to.

STANDING COMMITTEES.

A motion was made by Mr. MITCHILL, that the House do now proceed to the appointment of standing committees pursuant to the rules and orders of the House: Whereupon, the following persons were appointed on the several committees.

Committee of Elections—Mr. FINDLEY, Mr. MACON, Mr. DAVENPORT, Mr. TROUP, Mr. DAWSON, Mr. EMOTT, and Mr. ALSTON.

Committee of Ways and Means—Mr. CREVES, Mr. BIBB, Mr. PLEASANTS, Mr. ROBERTS, Mr. JOHNSON, Mr. PITKIN, and Mr. FISK.

Committee of Claims—Mr. GHOLSON, Mr. BROWN, Mr. MOSELEY, Mr. SHAW, Mr. SAGE, Mr. ARCHER, and Mr. STANFORD.

Committee of Commerce and Manufactures—Mr. NEWTON, Mr. LOWNDES, Mr. MITCHILL, Mr. MCKIM, Mr. SEYBERT, Mr. CHAMPION, and Mr. WIDGERY.

Committee on the Public Lands—Mr. MORROW, Mr. BLACKLEDGE, Mr. LACOCK, Mr. WILSON, Mr. ORMSBY, Mr. BOYD, and Mr. BIGELOW.

Committee for the District of Columbia—Mr. LEWIS, Mr. RINGGOLD, Mr. PEARSON, Mr. BARD, Mr. BAKER, Mr. CONDICT, and Mr. KENT.

Committee on the Post Office and Post Roads—Mr. RHEA, Mr. LYLE, Mr. DINSMOOR, Mr. CHITTENDEN, Mr. KING, Mr. BOLLING HALL, and Mr. LAW.

Committee of Revisal and Unfinished Business—Mr. BASSETT, Mr. ELY, and Mr. JACKSON.

Committee of Accounts—Mr. TURNER, Mr. LITTLE, and Mr. PICKENS.

CONSTITUTION AND THE GUERRIERE.

Mr. DAWSON rose and said:—Mr. Speaker, I take this early moment to present to you a resolution which I feel pleasure and pride in believing will meet the general approbation, not only of this House, but of the nation.

The President of the United States, in his Message, which was read on yesterday, has, in terms eloquent and appropriate, made mention of an engagement which has taken place between an American frigate and one of His Britannic Majesty's, which has rendered to the officers and crew of our frigate that justice which they so justly merited; an engagement in which American tars have proven to the world, that when commanded by officers of skill, valor, and fidelity, they are capable of contending with, and of vanquishing, those of any nation on the earth, upon any element—even on that element where British skill has so justly acquired so much celebrity, and that the American flag, when authorized by the constituted authorities of our country, will command respect on the high road of nations. Far, very far, be it from me to boast—it ill becomes an individual or a nation, and is never the concomitant of true courage; but on the present occasion it seems to me proper that we should express our sentiments—our feelings, and thereby the feelings of the nation. I shall, therefore, without further comment, offer you the following resolution, observing that the facts stated have been ascertained at the proper department, and the proofs are on my table:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, requested to present, in the name of Congress, to Captain Isaac Hull, a gold medal, with suitable emblems and devices; and that the sum of —— thousand dollars be, and the same is hereby, appropriated, to be distributed as prize money to the officers and crew of the United States' frigate the Constitution, of forty-four guns, according to the provisions of the act for the better government of the Navy of the United States; in testimony of the high sense entertained by Congress of the gallantry, good conduct, and services of Captain Hull, the officers, and crew, of the said frigate Constitution, in attacking, vanquishing, and capturing the British frigate the Guerriere, mounting fifty-four carriage guns, thereby exhibiting an example highly honorable to the American character, and instructive to our rising Navy.

Some conversation passed on the proper mode of disposing of this subject, in the course of which

Mr. SEYBERT suggested the propriety of also giving some distinctive or medals to the crew of the Constitution, who he thought were too generally overlooked in such cases.

Mr. WRIGHT approved the spirit of the resolution, but hoped the other officers would receive swords, and the men suitable rewards; and confidently hoped a gold medal would be voted to the nearest relative of Lieutenant William Bush of the marines, a young gentleman from his district, who fell gallantly fighting in that action, covered with wounds and glory; he, therefore, for that purpose, moved that the resolution be referred to a select committee.

The resolution was eventually ordered to lie on the table, till a committee should be appointed to whom it should be referred.

FRIDAY, November 6.

Several other members, to wit: from New Jersey, GEORGE C. MAXWELL; from Massachusetts, EZEKIEL BACON; from Connecticut, LEWIS B. STURGES; and from Pennsylvania, JAMES MILNOR; appeared and took their seats.

GEORGE POINDEXTER, the Delegate from the Mississippi Territory, also appeared; and took his seat.

A Message was received from the President of the United States, returning, with objections, the bill, entitled "An act supplementary to the acts heretofore passed on the subject of an uniform rule of naturalization," which passed the two Houses at the last session of Congress.

The Message was read, and referred to a select committee; and Mr. LACOCK, Mr. ROANE, Mr. EMOTT, Mr. RICHARDSON, and Mr. MCKIM, were appointed the committee.

Another Message was received from the President of the United States, transmitting copies of the correspondence between the Department of War and the Governors of Massachusetts and Connecticut, referred to in his Message of the fourth instant.

The Message was read and referred to the Committee of the Whole on the state of the Union.

On motion, by Mr. DAWSON, the House proceeded to consider the resolution submitted by him yesterday; and the same being read, was referred to the committee appointed on that part of the President's Message which relates to the Naval Establishment, to the past operations, and to the future prosecution of the war on the ocean and on the lakes.

The House then proceeded, by ballot, to the choice of a Chaplain; and, upon an examination of the ballots, it appeared that the Rev. JESSE LEE was duly chosen.

PRESIDENT'S MESSAGE.

The House resolved itself into a Committee of the whole House on the state of the Union, to whom had been referred the President's Message, Mr. MACON in the Chair.

On motion of Mr. CHEVES, the following resolutions were put, and carried *nem. con.*:

1. *Resolved*, That so much of the Message of the President of the 4th instant, as relates to the subject of our foreign relations, be referred to a select committee.

2. *Resolved*, That so much of the President's Message aforesaid, as relates to the militia, volunteers, and the Army, of the United States, to the past operations, and to the future prosecution of the war with Great Britain on land, together with the Message of this day, be referred to a select committee.

3. *Resolved*, That so much of the President's Message of the 4th instant, as relates to the Naval Establishment of the United States, to the past operations, and to the future prosecution of the war on the ocean and on the lakes, be referred to a select committee.

4. *Resolved*, That so much of the said Message as relates to the revenue and to the late importations of British manufactures, be referred to the Committee of Ways and Means.

5. *Resolved*, That so much of the said Message as relates to British licenses, and to "cases of corrupt and perfidious intercourse with the enemy, not amounting to treason," be referred to the Committee of Commerce and Manufactures.

The Committee rose, and reported these resolutions; which were agreed to by the House. And Messrs. SMILIE, CALHOUN, GRUNDY, GOLDSBOROUGH, MACON, NELSON, HARPER, DESHA, and SEAVER, were appointed the committee, pursuant to the first resolution.

Messrs. WILLIAMS, TROUP, WRIGHT, SEVIER, LOWNDES, CHITTENDEN, LYLE, STUART, and AVERY, were appointed the committee, pursuant to the second resolution.

Messrs. BASSETT, BACON, MILNOR, BLEECKER, WIDGERY, DAWSON, HYNEMAN, ALSTON, and STOW, were appointed the committee, pursuant to the third resolution.

EXPORTATION OF BREADSTUFFS.

Mr. HARPER having stated that he had a motion to make, which, in his opinion, required secrecy, the House was cleared of strangers, and so remained till three o'clock, when the House adjourned, and it appeared that the injunction of secrecy on the proceedings had been removed; and that the motion submitted by Mr. H. was as follows:

Resolved, That the Committee of Commerce and Manufactures be instructed to inquire into the expediency of prohibiting, by law, the exportation of flour, and other breadstuffs, from the United States, and the Territories thereof, and that they report by bill, or otherwise.

A question was taken whether the subject-matter of the resolution required secrecy, and passed in the affirmative—yeas 68, nays 39, as follows:

YEAS—Willis Alston, junior, William Anderson, Stevenson Archer, Daniel Avery, Ezekiel Bacon, David Bard, William W. Bibb, William Blackledge, Robert Brown, William Butler, John C. Calhoun, Francis Carr, Matthew Clay, Lewis Condict, William Crawford, Richard Cutts, John Dawson, Joseph Desha, Samuel Dinsmoor, Elias Earle, William Findley, James Fisk, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, John A. Harper, John M. Hyneman,

Richard M. Johnson, Joseph Kent, William R. King, Abner Lacock, Peter Little, William Lowndes, Aaron Lyle, George C. Maxwell, Thomas Moore, William McCoy, Alexander McKim, Arunah Metcalf, Samuel L. Mitchill, Jeremiah Morrow, Hugh Nelson, Anthony New, Thomas Newton, Stephen Ormsby, Israel Pickens, James Pleasants, junior, Benjamin Pond, Samuel Ringgold, John Rhea, John Roane, Jonathan Roberts, Ebenezer Seaver, John Sevier, Adam Seybert, Samuel Shaw, John Smilie, George Smith, Silas Stow, William Strong, Charles Turner, junior, Robert Whitehill, David R. Williams, and William Widgery.

Nays—John Baker, Burwell Bassett, Abijah Bigelow, Harmanus Bleecker, Adam Boyd, Elijah Brigham, Epaphroditus Champion, Langdon Cheves, Martin Chittenden, John Davenport, junior, William Ely, James Emott, Asa Fitch, Charles Goldsborough, Aylett Hawes, Jacob Hufty, Richard Jackson, junior, Lyman Law, Nathaniel Macon, Archibald McBryde, James Milnor, Jonathan O. Moseley, Thomas Newbold, Joseph Pearson, Timothy Pitkin, junior, William M. Richardson, William Rodman, Thomas Sammons, John Smith, Richard Stanford, Philip Stuart, Lewis B. Sturges, Uri Tracy, George M. Troup, Pierre Van Cortlandt, junior, Laban Wheaton, Leonard White, Thomas Wilson, and Robert Wright.

Mr. Newton moved to amend the resolution by striking out all of the same after the word "resolved," for the purpose of inserting the following:

"That the exportation of flour and breadstuffs from the United States, and the Territories thereof, ought to be prohibited by law."

This motion was negatived.

The question was then taken that the resolution do pass, and determined in the negative—yeas 26, nays 76, as follows:

Yeas—David Bard, William W. Bibb, William Blackledge, Francis Carr, Matthew Clay, William Crawford, Richard Cutts, Joseph Desha, Samuel Dinsmoor, Elias Earle, James Fisk, Meshack Franklin, Isaiah L. Green, Bolling Hall, Obed Hall, John A. Harper, Nathaniel Macon, Thomas Moore, Samuel L. Mitchill, Thomas Newton, Benjamin Pond, Ebenezer Seaver, Adam Seybert, William Strong, David R. Williams, and William Widgery.

Nays—Willis Alston, jun., William Anderson, Stevenson Archer, Daniel Avery, Ezekiel Bacon, John Baker, Burwell Bassett, Abijah Bigelow, Harmanus Bleecker, Adam Boyd, Elijah Brigham, Robert Brown, William Butler, John C. Calhoun, Epaphroditus Champion, Langdon Cheves, Martin Chittenden, Lewis Condict, John Davenport, junior, John Dawson, William Ely, James Emott, William Findley, Asa Fitch, Thomas Gholson, Charles Goldsborough, Peterson Goodwyn, Felix Grundy, Aylett Hawes, Jacob Hufty, John M. Hyneman, Richard M. Johnson, Joseph Kent, William R. King, Abner Lacock, Lyman Law, Wm. Lowndes, Aaron Lyle, George C. Maxwell, Archibald McBryde, William McCoy, Alexander McKim, Arunah Metcalf, James Milnor, Jeremiah Morrow, Jonathan O. Moseley, Hugh Nelson, Thomas Newbold, Stephen Ormsby, Joseph Pearson, Israel Pickens, Timothy Pitkin, junior, James Pleasants, junior, William M. Richardson, Samuel Ringgold, John Rhea, John Roane, Jonathan Roberts, William Rodman, Thomas Sammons, John Sevier, Samuel Shaw, Geo. Smith, John Smith, Richard Stanford, Philip Stuart, Lewis B. Sturges, Uri Tracy, Geo. M. Troup, Charles Turner, junior, Pierre Van Cortlandt, junior, Laban Wheaton, Leonard White, Thomas Wilson, and Robert Wright.

On motion of Mr. Goldsborough, the injunction of secrecy on the resolutions and proceedings thereon were removed.

Adjourned to Monday.

Monday, November 9.

Several other members, to wit: from Massachusetts, Samuel Taggart; from Connecticut, Benjamin Tallmadge; from New York, Ebenezer Sage, and Thomas R. Gold; from Pennsylvania, Roger Davis; from Delaware, Henry M. Ridgely; and from Virginia, John Taliaferro; appeared and took their seats.

A message from the Senate informed the House that the Senate have unanimously resolved that the Rev. John Breckenridge be appointed Chaplain to Congress, for the present session, on their part.

Mr. Mitchill presented a petition of sundry owners and agents of privateers in the city of New York, praying for a reduction of the duties on prizes and prize goods; that prize property, on condemnation, may be delivered to them to be disposed of and distributed; that the time necessary to procure condemnations may be shortened; that the fees of the officers of prize courts may be limited to a certain sum, and that prize owners and their agents be authorized to order prizes arrived in one port to any other port, at their discretion, at any time before the actual libelling of such prizes.

Ordered, That so much of the said petition as relates to the revenue, be referred to the Committee of Ways and Means; and that the residue thereof be referred to the committee appointed on that part of the President's Message which relates to the Naval Establishment, and to the prosecution of the war on the ocean and on the lakes.

The Speaker laid before the House a letter from the Secretary of War, transmitting statements of the application of moneys appropriated for that Department, which have been transferred from one branch of expenditure to another, since the last session of Congress.—Referred to the Committee of Ways and Means.

On motion of Mr. Seybert, the Committee on the Post Office and Post Roads were instructed to report a bill authorizing the members of the Senate and House of Representatives to frank the President's Message and accompanying documents, transmitted to both Houses of Congress, at the opening of the present session, notwithstanding the same may weigh more than two ounces.

On motion of Mr. Jennings, the Committee of Claims were instructed to inquire into the expediency of making provision, by law, for compensating any person or persons for the unavoidable loss of any horse or horses, during the campaign to Tippecanoe, on the river Wabash, with leave to report by bill or otherwise.

EXEMPTION OF SOLDIERS FROM ARREST FOR DEBT.

Mr. BACON stated that, under the present law, exempting from arrest privates in the Army of the United States in certain cases of debt, frauds had been, and more extensively might be, committed; inasmuch as a soldier who was tired of the service, by giving his bond for a feigned debt for an amount greater than twenty dollars, could procure himself to be arrested and kept out of service, &c. Mr. B. further illustrated the evasions to which the present law is liable, and concluded by moving the following resolution:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of providing by law for exempting altogether from liability to arrest, or being taken in execution for debt, of any non-commissioned officer, musician, or private, belonging to the Army of the United States, or to any volunteer corps, when called into service pursuant to law.

The resolution was agreed to.

TUESDAY, November 10.

Another member, to wit: from Virginia, JAMES BRECKENRIDGE, appeared, and took his seat.

Mr. MITCHILL presented a petition of sundry merchants of the city of New York, praying to be relieved from the penalties incurred by the late importations of British manufactures into the United States.—Referred to the Committee of Ways and Means.

Mr. PLEASANTS presented a petition of Tompkins and Murray, merchants, of Richmond, in the State of Virginia, also praying to be relieved from the penalties incurred by the late importations of British manufactures, on their account, into the United States.—Referred to the Committee of Ways and Means.

Mr. RHEA, from the Committee on the Post Office and Post Roads, presented a bill to authorize the transportation of certain documents free of postage; which was read twice, and ordered to be engrossed, and read the third time to-day, which was subsequently done, and the bill passed.

Mr. POINDEXTER observed that a bill had last session passed this House for erecting Mississippi Territory into a State, but been rejected in the Senate from a particular objection, which it was now understood would be soon removed by the consent of the State of Georgia to the measure. He, therefore, proposed that a bill for that purpose should be again originated in this House; and, therefore, moved the following resolution:

Resolved, That a committee be appointed to inquire into the expediency of authorizing the people of the Mississippi Territory to form a constitution and State government, and of admitting them into the Union on an equal footing with the original States; and that the committee have leave to report thereon by bill or otherwise.

The resolution was agreed to; and Messrs. POINDEXTER, B. HALL, GRUNDY, TALIAFERRO, and GOODWYN, were appointed a committee accordingly.

MOUNTED TROOPS.

Mr. JOHNSON observed that he had draughted a resolution for the consideration of the House, the object of which was to authorize an expedition of mounted volunteers against the several Indian tribes hostile to the United States. He said the people of the United States had the power and the will to break up and to extirpate those hostile savages, to desolate their country, or compel them to surrender at discretion, as the Miamies had done lately when they beheld the strong arm of the Government uplifted and ready to fall upon them heavily. And it was the imperious duty of Congress so to organize this power, and so to direct this will, as to make it effectual and most destructive to the enemy in the line of its operation. Mr. J. said a winter campaign of mounted men well selected, well organized, and well conducted for sixty days, would close an Indian war, which was restrained on their part by no ties of religion, by no rules of morality, by no suggestions of mercy, by no principles of humanity. Sir, said he, you well know that we cannot so guard any part of our extended line of frontier as to prevent entirely the incursions of savages, so long as they have a place of safety or hiding place upon our borders; by reason of which a few desperate savages, well armed with their rifles, tomahawks, and scalping knives, and paid for the scalps of our citizens, may travel in the night, watch their place of assassination undiscovered, and fall upon our infant settlements thus exposed and massacre them without distinction of age or sex, and not leave even an infant to lisp the sad tale of sorrow to the passing stranger. Such has been the fact in many places on our frontier since the battle of Tippecanoe; and such was the melancholy fact near the Ohio river, in Indiana, when upwards of twenty persons were horribly murdered in cold blood, without the opportunity of resistance; the most of these unfortunate victims were women and children, whose heads were roasted by the fire, and in this cruel mode tortured to death, and under circumstances which would blacken and dye with deeper disgrace the most infamous and abandoned set of beings on earth. Since the defeat of Braddock, Mr. J. observed, the conflict with the Indians had always been an unequal one, and the United States had never carried on such a campaign against them as would bring them to their reason. He observed, that a winter campaign of mounted men would place us on an equality in our contest with the Indians; and he pledged himself for the efficacy of such an expedition, if sanctioned and authorized by Congress, and left to the Executive of Kentucky, so far as the forces were taken from that State. On such a campaign they must meet us in battle, or surrender at discretion; they could not avoid our search nor evade our pursuit—the season would furnish certain means of discovery; their strong holds would be broken up; their squaws and children would fall into our hands, and remain sure pledges against savage ferocity and barbarity. Nothing do they so much fear as to have their squaws

taken prisoners. Their winter quarters would be discovered and their stock of winter provisions would be destroyed; and once since the revolution the friend to his country would enjoy the satisfaction of seeing our savage enemies humbled in the dust and solely at our mercy, notwithstanding all the arts of British intrigue to the contrary. On the contrary, we want no additional evidence, no train of reasoning, nor a particular detail of facts, to convince us that any other kind of force, and at any other period, will only give us a partial remedy. Upon any other principle we give the savage foe every advantage. When threatened and pursued by a force sufficient to chastise them, no warriors can be found—they scatter through the woods like the wild beasts of the forest. Send a small party, and they are immediately surrounded and cut off by superior numbers. In fact, sir, they will not meet at their own doors and firesides equal numbers in honorable combat—they must always have some great and decided advantage. In the several attacks made upon Fort Wayne, Fort Harrison, and Bellvue—at which places our officers and soldiers acted with a firmness and gallantry deserving the highest praises of their country—the Indians retreated at the approach of assistance, and could not be found. We witnessed the same scene when our army penetrated their country from Fort Wayne, who burnt their towns and destroyed their crops. In short, sir, late in the Spring, in the Summer, and in the Fall, every thicket, every swamp—nay, every brush-heap surrounded with weeds furnishes a hiding place; and it is in vain to search after Indians at such a time, if they are not disposed to be seen. Mr. J. said, with this imperfect picture before us, which, however, contained undeniable facts, Congress could not reconcile it to its duty not to take such steps as would speedily terminate the war with the savages. Such steps had been taken as to produce much temporary distress among the Pottawatamies and other tribes, and the destruction of their villages and crops would employ many of their warriors in procuring subsistence for their squaws and children, which consequently gave a correspondent relief to our frontier settlements; that a winter campaign well conducted was indispensable to complete the work which was begun with so much zeal, but which could not produce all the benefit that might be expected from a regular authorized expedition; for it would be recollected that the mounted men had gone out suddenly upon the spur of the occasion, without compensation, with a view to relieve the frontiers from the disasters of Hull's humiliating surrender; and in such voluntary associations many men would consider themselves under less obligations than if employed by the Government, although the party with whom he had the honor to act served beyond the time for which they enrolled themselves, and never quitted the service until honorably discharged. Mr. J. observed, if the savages are unmindful of the many acts of benevolence, of justice and friendship exercised towards them by the United States; if British influence, or British gold, or any other consideration, could induce them to continue the savage practice of imbruing their hands alike in the blood of the warrior in the field, and the infant in its mother's arms; if they will be bound by no obligation however sacred; by no treaty, however solemnly made; by no dictate of nature, no matter how self-evident; the United States are absolved from acts of further forbearance; and we are called upon by every feeling of duty and honor to disarm them of their fury and put them beyond the power of injury. Mr. J. said he had not intended to trouble the House with so many preliminary remarks, but he had seen in his place the Chairman of the committee to whom the resolution was to be referred, and he was anxious that the design and object of the motion should be known, that the committee might act with despatch if it met with their views:

Resolved, That the select committee to whom was referred so much of the President's Message as relates to military affairs, be instructed to inquire into the expediency of authorizing an expedition of mounted volunteers against the Indian tribes hostile to the United States.

The resolution was agreed to *nem. con.*, without debate.

Wednesday, November 11.

Mr. Pitkin presented a petition of sundry merchants of New Haven, in the State of Connecticut, praying to be relieved from the penalties incurred by the late importations of British manufactures, on their account, into the United States.—Referred to the Committee of Ways and Means.

The Speaker presented a petition of Benjamin M. Piatt, of the Illinois Territory, complaining of the undue election of Shadrack Bond, to serve as the Delegate in this House from the Illinois Territory, and praying that an investigation into the said election may take place, and that such decision may be had thereon, as, in the wisdom of the House may appear proper.—Referred to the Committee of Elections.

Thursday, November 12.

Another member, to wit: from Kentucky, Samuel McKee, appeared and took his seat.

Mr. Bassett, from the Committee on the Naval Establishment, to whom was referred the resolution submitted by Mr. Dawson, requesting the President to present a gold medal to Captain Hull, reported the same, with an amendment; which was read, and committed to a Committee of the Whole on Monday next.

On motion, of Mr. Seybert, a committee was appointed to inquire into the expediency of prolonging the continuance of the Mint at Philadelphia, with leave to report by bill. Mr. Seybert, Mr. Mitchill, and Mr. Moseley, were appointed the committee.

Friday, November 13.

Several other members, to wit; from New York, Thomas B. Cooke; from New Jersey,

JAMES MORGAN; from Virginia, JOHN RANDOLPH; and from North Carolina, LEMUEL SAWYER; appeared, and took their seats.

Mr. SEYBERT, from the committee appointed yesterday, presented a bill further to prolong the continuance of the Mint at Philadelphia; which was read twice, and committed to a Committee of the Whole to-day.

A Message was received from the PRESIDENT OF THE UNITED STATES, transmitting, for the further information of Congress relative to the pacific advances made on the part of this Government to that of Great Britain, and the manner in which they have been met by the latter, the sequel of the communications on that subject, received from the late Chargé des Affaires at London.—Read, and ordered to lie on the table.

On motion of Mr. WRIGHT, a committee was appointed to bring in a bill vesting the power of retaliation, in certain cases, in the President of the United States. Mr. WRIGHT, Mr. GHOLSON, Mr. TALLMADGE, Mr. BUTLER, and Mr. FITCH, were appointed the committee.

The House resolved itself into a Committee of the Whole on the bill further to prolong the continuance of the Mint at Philadelphia. The bill was reported with an amendment, concurred in by the House, and the bill ordered to be engrossed, and read the third time on Monday next.

Adjourned to Monday.

MONDAY, November 16.

Several other members, to wit: from Massachusetts, WILLIAM REED; from Rhode Island, ELISHA R. POTTER; from Virginia, DANIEL SHEFFEY; from North Carolina, JAMES COCHRAN; from South Carolina, RICHARD WINN; appeared and took their seats.

Mr. SEYBERT presented a petition from sundry merchants of the city of Philadelphia, praying to be released from the penalties incurred by the late importations into the United States of British manufactures, on their account.

Mr. MILNOR presented a petition of sundry merchants of Boston, also praying to be released from the penalties incurred by them in the late importations, on their account, of British manufactures.—Referred to the Committee of Ways and Means.

On motion of Mr. POINDEXTER,

Resolved, That a committee be appointed to inquire into the expediency of compelling the judges of the respective districts and territories of the United States to reside within the district or territory for which they may be appointed; and, that the committee have leave to report by bill, or otherwise.

Mr. POINDEXTER, Mr. ORMSBY, Mr. PICKENS, Mr. TALIAFERRO, and Mr. STRONG, were appointed the committee.

DISTRICT JUDGES.

Mr. GOLD stated that, in consequence of the great increase of labor devolving on the judges of the district courts of the United States, the salaries of several were altogether inadequate to the services performed, which, in some instances, had tripled since the salaries were fixed; and had become particularly arduous and laborious under recent laws of the United States. Of all the officers in the Government, the compensation allowed to district judges was the lowest in the scale; for, he said, the expenses of travelling the circuit of the districts consumed near the whole emolument of some of the judges, whose salaries were less than many of the clerks in the public offices. Taking these things into view, he was induced to propose the following resolution:

"*Resolved*, That the Committee of Ways and Means be instructed to inquire into the expediency of increasing the salaries or compensation allowed by law to the district judges of the several judicial districts within the United States."

The House agreed to consider the resolution; which, however, on the question of its passage, was rejected—yeas 41, nays 42.

THE MINT.

The bill for continuing the Mint of the United States at the city of Philadelphia, was read a third time.

Mr. LEWIS moved to recommit the bill, with a view of substituting Washington City, instead of Philadelphia, for the location of the Mint, urging in support of his proposition the obvious propriety of fixing an establishment of this description at the Seat of the Government which erects it.

Mr. SEYBERT and Mr. SMILIE opposed the motion, because a removal would be injurious to the public interest, because of the difficulty of obtaining bullion, except in a great commercial city; and, because it was doubtful whether the officers and workmen who conducted it could be induced to remove from their Philadelphia residence.

The motion was negatived, eight members only rising in favor of it.

The bill was then read a third time, and passed without a division.

PUBLIC LANDS.

Mr. JENNINGS prefaced the following motion by some remarks on its merits. On the extension of the time of payment for lands purchased of the United States, he remarked that the state of things in the Northwestern country, it was evident to every one, had cut off from the people of that country the means whereby they must have calculated to make payment for their lands; and, although the extension of payment was, in principle, objectionable, circumstances now imperiously called for it. On the second resolution, he conceived that, in the end, more money would accrue from it than from the present system, and it would be paid with greater certainty. The following are the resolutions, as proposed by Mr. J.:

Resolved, That the Committee on the Public Lands be, and they are hereby, instructed to inquire into the expediency of prolonging the time of payment to those purchasers of the public lands northwest of the river Ohio, who shall have purchased prior to the first day of April, 1809.

Resolved, likewise, That the said committee inquire into the expediency of subdividing each quarter section, and reducing the price of the lands of the United States.

The resolutions were adopted.

TUESDAY, November 17.

Mr. WRIGHT, from the committee appointed on the 13th instant, presented a bill vesting the power of retaliation, in certain cases, in the President of the United States; which was read twice, and committed to a Committee of the Whole to-morrow.

The bill is as follows:

A Bill vesting the power of retaliation, in certain cases, in the President of the United States.

Be it enacted, &c., That if any citizen of the United States being a prisoner by land or sea to the British Government, or who has been impressed, has suffered or shall suffer death, mutilation, or other corporeal punishment, or be imprisoned with unusual severity by any officer, agent, soldier, or Indian, in the service of the British Government, the President of the United States shall be, and he is hereby, empowered and required to cause the most rigorous retaliation to be executed on any subject, officer, soldier, or Indian, in the service or employment of the British Government, as shall or may have been captured by the arms of the United States by land or sea.

LETTERS OF MARQUE, &c.

Mr. BASSETT, from the committee appointed on that part of the President's Message which relates to the Naval Establishment, reported, in part, a bill in addition to the act concerning letters of marque, prizes, and prize goods; which was read twice, and committed to a Committee of the Whole to-morrow.

The bill is as follows:

A Bill in addition to the act concerning letters of marque, prizes, and prize goods.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all prize property, upon sentence of condemnation, shall, at the request of the owners of the private armed vessel by which the capture shall have been made, or of their agents, be, by the marshal of the district in whose custody the same may be, delivered over to the said owners or their agents, to be by them sold or disposed of at their discretion, and the proceeds thereof distributed by them agreeably to the provisions of law: *Provided,* That all fees, costs, and charges, arising on the process for condemnation be first paid, and that the duties accruing on such prize goods, as also two per cent. on the estimated value of such prize property, after deducting all duties, costs, and charges, (which value, as it respects the cargo, shall be ascertained in the same manner as is provided by law for ascertaining the value of goods subject to ad valorem duties; and as it respects the vessel, to be ascertained by appraisers to be appointed in the same manner,) shall be first paid, or secured to be paid, to the collector of the district into which such prize property may be brought for condemnation; which two per cent. shall be in lieu of the two per cent. on the net amount of the prize money reserved by the seventh section of the act to which this act is in addition, and shall be pledged and appropriated to the same fund as is thereby provided for.

SEC. 2. *And be it further enacted,* That all bonds taken for the security of the two per cent. fund before provided for shall be made payable within sixty days from the time of taking such bonds.

SEC. 3. *And be it further enacted,* That the owners of any private armed vessel or vessels, or their agents, may, at any time before a libel shall be filed against any captured vessel or her cargo, remove the same from any port into which it may be first brought, to any other port in the United States, subject to the same restrictions, and complying with the same regulations, with respect to the payment of duties, which are provided by law in relation to other vessels arriving in port with cargoes subject to duty: *Provided,* That before such removal the said captured property shall not have been attached at the suit of any adverse claimant, or a claim against the same have been interposed in behalf of the United States.

SEC. 4. *And be it further enacted,* That wherever the proceeds of any prize property has been, or shall be, deposited with the clerk of any district court, pursuant to the orders of said court, upon condemnation, the same shall, at the request of the owners of the private armed vessel by which the capture shall have been made, or of their agents, be paid over to them, to be by them distributed agreeably to the provisions of law.

WEDNESDAY, November 18.

Another member, to wit: JOSIAH QUINCY, from Massachusetts, appeared, and took his seat.

Mr. PLEASANTS presented a petition of sundry merchants of Richmond, Virginia, praying to be relieved from the penalties incurred by them in the late importation into the United States of British manufactures.—Referred to the Committee of Ways and Means.

A Message was received from the President of the United States transmitting copies of a communication from Mr. Russell to the Secretary of State, connected with the correspondence accompanying the Message of the twelfth instant.—Ordered to lie on the table.

On motion of Mr. WRIGHT, five thousand copies of the Message and documents of the twelfth instant were ordered to be printed for the use of this House.

Another Message was received from the President of the United States transmitting copies of a letter from the Consul General of the United States to Algiers, stating the circumstances preceding and attending his departure from that Regency.—Referred to the committee appointed on that part of the President's Message which relates to Foreign Relations.

The SPEAKER laid before the House a letter from the Secretary of the Navy, transmitting a statement of the expenditure and application of moneys drawn from the Treasury on account of the Navy, for the year ending the first of September, 1812; which was read, and referred to the committee on that part of the President's Message which relates to the Naval Establishment.

Mr. LACOCK, from the committee appointed on

the President's Message of the 6th instant, presented a bill supplementary to the acts heretofore passed on the subject of an uniform rule of naturalization; which was read twice, and committed to a Committee of the Whole to-morrow.

The bill is as follows:

A Bill supplementary to the acts heretofore passed on the subject of an uniform rule of naturalization.

"*Be it enacted, &c.*, That all persons resident in the United States or the Territories thereof on the first of June, 1812, may be admitted to the rights of citizens of the United States, at the times and in the manner prescribed by the acts heretofore passed on that subject, anything arising from or growing out of our present state of war with Great Britain, Ireland, and their dependencies, to the contrary notwithstanding: *Provided*, That no alien enemy shall be admitted to the rights of citizenship, who shall not within nine months after the passing of this act make his application, and such declaration of his intention, as is required by law. And provided, also, that nothing herein contained shall be taken or construed to interfere or prevent the apprehension and removal, agreeably to law, of any alien enemy at any time previous to the actual naturalization of such alien."

Mr. POINDEXTER presented a bill to enable the people of the Mississippi Territory to form a constitution and State government, &c.; which was read twice, and committed to a Committee of the Whole on Monday next.

On motion of Mr. WRIGHT, the House resolved itself into a Committee of the Whole on the bill vesting the power of retaliation in the President of the United States.

Mr. W. made a speech of some length in favor of the bill.

On motion of Mr. LACOCK, the bill was amended, by inserting after the word "severity," the words "or be otherwise treated contrary to the usages of civilized warfare."

The Committee then rose and reported the bill, which was ordered to be engrossed for a third reading, without debate or opposition.

THURSDAY, November 19.

Mr. MITCHILL presented a petition of the Highland Road Turnpike Company, in the State of New York, praying a grant of twenty thousand dollars, to be applied towards completing the said turnpike road; which was read, and referred to a select committee; Mr. MITCHILL, Mr. MAXWELL, and Mr. REED, were appointed the committee.

Mr. WILLIAMS, from the committee appointed on that part of the President's Message which relates to military affairs, reported, in part, a bill concerning the pay of the non-commissioned officers, musicians, privates, and others, of the Army of the United States, and for other purposes; which was read twice, and committed to a Committee of the Whole to-morrow.

PRIZE LAW.

The House resolved itself into a Committee of the Whole on the bill in addition to the act concerning prizes and prize goods.

Mr. BASSETT, as chairman of the committee who reported the bill, explained its provisions, and enforced the necessity of its adoption. He took occasion to advert to the numerous captures made by our private armed vessels, and their utility as a system of annoyance to the enemy. In every case in which they had come in conflict, they had acquitted themselves in a manner that redounded to their credit.

After some further conversation on the details of the bill, the following section was, on motion of Mr. BACON, substituted for the fourth section of the bill:

"SEC. 4. *And be it further enacted*, That in cases of sale of prize property by the marshal of any district, or wherever the proceeds thereof has been or shall be deposited with the clerk of any district court, pursuant to the orders of said court upon condemnation, the same shall, by the said marshal or clerk respectively, at the request of the owners of the private armed vessel by which the capture shall have been made, or of their agents, be paid over to them, to be by them distributed agreeably to the provisions of law: *Provided*, That all fees, costs, and charges, arising on condemnation be first paid, and all duties accruing on such prize property, as also the two per cent. fund accruing on such proceeds, be first paid, or secured to be paid, to the collector of the district into which such prize may be brought for condemnation, and that the marshal and clerk shall be allowed for their services respectively, in selling, receiving, and paying over as aforesaid, a commission of one per cent. and no more, on the net proceeds of such prize property, after deducting the duties, the two per cent. and charges aforesaid: *Provided, also*, That such commission shall not exceed, upon any property included in one condemnation, the sum of one thousand dollars."

The bill as amended was then ordered to be engrossed for a third reading.

RETALIATION.

The engrossed bill "vesting the power of retaliation in the President of the United States in certain cases," was read a third time.

A debate of more than an hour took place on the question of its passage, which was finally determined *in the negative*, by yeas and nays—51 to 61, as follows:

YEAS—Willis Alston, junior, William Anderson, David Bard, Robert Brown, William Butler, Matthew Clay, Lewis Condict, William Crawford, Richard Cutts, Joseph Desha, Elias Earle, James Fisk, Meshack Franklin, Peterson Goodwyn, Isaiah L. Green, Bolling Hall, Obed Hall, John A. Harper, John M. Hyneman, Richard M. Johnson, Joseph Kent, William R. King, Abner Lacock, Peter Little, Aaron Lyle, Nathaniel Macon, George C. Maxwell, William McCoy, Samuel McKee, Alexander McKim, Arunah Metcalf, James Morgan, Jeremiah Morrow, Hugh Nelson, Stephen Ormsby, Israel Pickens, James Pleasants, jun., Benjamin Pond, John Rhea, John Roane, Jonathan Roberts, Ebenezer Sage, Ebenezer Seaver, John Sevier, Adam Seybert, Samuel Shaw, George Smith, William Strong, John Taliaferro, William Widgery, and Robert Wright.

NAYS—Ezekiel Bacon, John Baker, Burwell Bassett, Abijah Bigelow, William Blackledge, Harmanus Bleecker, Adam Boyd, James Breckenridge, Elijah

Brigham, John C. Calhoun, Epaphroditus Champion, Langdon Cheves, Martin Chittenden, James Cochran, Thomas B. Cooke, John Davenport, jr., Roger Davis, Samuel Dinsmoor, William Ely, Wm. Findley, Asa Fitch, Thomas Gholson, Thomas R. Gold, Felix Grundy, Aylett Hawes, Jacob Hufty, Richard Jackson, jr., Lyman Law, Joseph Lewis, jr., William Lowndes, Archibald McBryde, Samuel L. Mitchill, Jonathan O. Moseley, Thomas Newbold, Thomas Newton, Joseph Pearson, Timothy Pitkin, jr., Elisha R. Potter, Josiah Quincy, William Reed, William M. Richardson, Henry M. Ridgely, William Rodman, Thomas Sammons, Lemuel Sawyer, Daniel Sheffey, John Smilie, John Smith, Richard Stanford, Silas Stow, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Uri Tracy, George M. Troup, Chas. Turner, jr., Laban Wheaton, Leonard White, Robert Whitehill, David R. Williams, and Thomas Wilson.

FRIDAY, November 20.

Mr. SEYBERT presented a petition of sundry merchants of the city of Philadelphia, praying to be released from the penalties incurred by them in the late importation into the United States of British manufactures, on their accounts.—Referred to the Committee of Ways and Means.

Mr. POINDEXTER, from the committee appointed on the 16th instant, presented a bill concerning the district and territorial judges of the United States; which was read twice, and committed to a Committee of the Whole to-morrow.

PAY OF THE ARMY.

The House went into Committee of the Whole on the bill concerning the pay of the Army of the United States, which was read throughout by the Chairman, as follows:

"*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That, from and after the passing of this act, the monthly pay of the non-commissioned officers, musicians, privates, drivers, bombardiers, matrosses, sappers, miners, artificers, saddlers, farriers, and blacksmiths, who have or shall hereafter enlist in the service of the United States, be as follows, to wit: to each sergeant major and quartermaster-sergeant, —— dollars; to each sergeant and teacher of music, —— dollars; to each corporal, —— dollars; to each musician, —— dollars; to each private, driver, bombardier, matross, sapper, and miner, —— dollars; to each artificer, saddler, farrier, and blacksmith, —— dollars.

"SEC. 2. *And be it further enacted*, That, during the continuance of the war with Great Britain, no non-commissioned officer, musician, private, driver, bombardier, matross, sapper, miner, artificer, saddler, farrier, or blacksmith, enlisted in the service of the United States, shall be arrested, or subject to arrest, or to be taken in execution for any debt contracted before or after enlistment.

"SEC. 3. *And be it further enacted*, That, during the said war, every person above the age of eighteen years, who shall be enlisted by any officer, shall be held in the Army of the United States during the period of such enlistment; anything in any act to the contrary notwithstanding.

"SEC. 4. *And be it further enacted*, That every non-commissioned officer, musician, and private, who shall, after the promulgation of this act, be recruited in the regular Army of the United States, may, at his option, to be made at the time of enlistment, engage to serve during the present war with Great Britain, instead of the term of five years; and shall, in case he makes such option, be entitled to the same bounty in money and land, and to all other allowances, and be subject to the same rules and regulations, as if he had enlisted for the term of five years."

Mr. WILLIAMS, as chairman of the committee who reported it, rose to explain the provisions of the bill. He said, he hoped the consideration of the bill would not involve a discussion of the justice or necessity of the war. War, said he, is now declared; we have thrown ourselves between our country and the enemy; and it becomes us to carry her triumphantly through the war, or be responsible for the disgrace a contrary course would incur. The reason of the introduction of the first provision of the bill, he said, was the palpable fact, that the present pay of the Army, taking into consideration the price of labor throughout the Union, was much below the average rate The committee, in the investigation of this business, had, with much labor, consulted all sources of information accessible to them, and in no part of the United States did it appear to be conceded by their Representatives, that the fair price of labor was less than nine dollars per month. Even if the price was as low as eight, or say seven dollars, wherefore should the soldier receive less than any other man? This is a subject on which every gentleman could decide by recurring to his own neighborhood, and inquiring, what was there the price of labor. If he could not procure the service of an individual there for less than eight dollars, how can he refuse the soldier that price which I now solicit for him? The ranks are not filled; we know it by too melancholy a proof; and it is our duty to fill them. How shall we best do it? It will not be contended that your population is insufficient; no, sir; the inducement is not adequate. There is no avocation of life, no employment, however hazardous, which fails to be pursued from a want of persons ready to engage in it. No, sir; if you want men to scale the mountains of ice under the Northern pole, or endure the fervid rays of a vertical sun in the hither India, to brave the stormy ocean, or search for mines in the bowels of the earth; only find them adequate compensation, and there are men enough to be found. The compensation for services performed, ought always to be in proportion to the risk incurred. This is a position which cannot be controverted. There is no reason why the ranks of your Army are not filled so forcible, as that you do not give enough to the privates. Can you, then, refuse it? Sir, I do not stand here the representative of a claim of a petitioner who wears out the skirts of your Committee of Claims with unceasing importunities—of the man who has neglected the provisions of your law, and asks you to release him from the consequences of his neglect—still less of the man who tramples your law under foot, and now asks to be discharged from the penalty of his transgression—no; I am the advocate of

the poor soldier, the man who marches to your Northern and Western boundaries; the man who last night, probably, was beaten up from his quarters to meet the foe; who, the night before, slept in the trenches; and to-night, perhaps, stretches his limbs on the bare ground, with no other covering than the canopy of Heaven, his arms clasped in his hands for your defence—I plead, sir, for the man who has thrown himself between you and the merciless savage, and his still more merciless employer—it is for this poor soldier I ask a little pittance. The whole aggregate of increased pay will be but a mere trifle, compared with the general disbursement for the expenses of the war—it will not increase your expenses much above a million. Whether your ranks be filled or not, the expenditure for the Military Establishment, the ensuing year, will not fall short of ten millions; and yet will you deny one million to make your army efficient? The immense expenses attending your Commissary, Quartermaster, and Ordnance Departments, must be incurred, even though your ranks be not filled—and will you yet hesitate between the additional expense of a million to make your army efficient, and the loss of a disgraced campaign? I cannot but believe, sir, that I am wasting your time and that of the House to no purpose; I will not believe that this will be refused. Mr. W. then briefly adverted to other provisions of the bill. To the second section he apprehended little objection; it had been found to be necessary, and ample precedent might be found for it. To the third section there might and probably would be some objection. It was founded, he said, on the principle that every man owed to the country which protected him, military service; the same principle, already engrafted in our laws, which obliged the youth of eighteen years old to enter into the militia, warranted his retention in the service when he had voluntarily enlisted. The fourth section spoke for itself and needed no explanation.

The second section having been read—

Mr. WHEATON said he conceived this section to involve an infraction of the Constitution. Any person who had contracted a debt had certainly given a pledge, not only of his property, but of his body to his creditor. It is the creditor's right to take his body in default of payment, and the creditor was by this section, in the case of those enlisting in the army, completely taken out of his hands. Ample encouragement, Mr. W. said, might be given to enlistments without infringing the Constitution. He had no objection to privilege the soldier from arrest after enlistment, but he could not consent to the passage of a law, having an *ex post facto* operation, which went to exempt him from obligations previously contracted. He therefore moved to strike out the words "before or" from the second section above recited.

Mr. BACON spoke in support of this provision. It was necessary to guard against fraud. He said, in the village in which he lived, such frauds had been committed, by the creation of fictitious debts, under which a person enlisting had procured himself to be arrested. After this arrest, on giving bail, he was set at large. Whilst going at liberty, his commander had attempted to take him; but a writ of *habeas corpus* having been taken out, it had been determined by the courts that a man was the property of his bail until the suit was determined. And that determination, Mr. B. said, would never take place so long as the United States had an occasion for the man's services; because, by the same collusion which commenced it, the suit may be continued from term to term of court, until the term of enlistment has expired. He had merely stated facts. He had known an instance of an officer being obliged to move his whole corps over the line to avoid these petty depredations on their ranks; and he would venture to say that the officers would much rather face the enemy in the field, than the host of legal depredators in Massachusetts, on those enlisted for the public service. The principle of this provision was not novel, he said, for it existed already.

The motion to strike out the section was then negatived by a large majority.

The third section was then read.

Mr. STOW rose and said, that the respect he felt for the House, seemed to forbid that he should propose to them any thing not fully matured; but, that at the same time the objections to one section of the bill under consideration, appeared to him so many and so important, that he could not refrain from urging them, though as he feared in somewhat of an irregular and desultory way. In excuse he said, he had supposed the present bill agreeable to the one reported in the Senate, and had not observed the difference till that moment. His objections were to the 3d section, and which he should close by moving that it be stricken out. He arranged his objections principally under three heads. 1st. Its tendency to violate the public morals. 2d, interference with public economy—and 3d, its violation of the spirit of the Constitution of the United States.

He remarked, that proper instruction and discipline of youth lay at the bottom of all that was valuable in this life, and perhaps of the life to come. That it was of great importance in every Government, but above all that it was infinitely so in ours, where the people were real sovereigns, and where the Government would be ill or well administered, according as the youths were bred in temperance, virtue, and obedience. This section of the bill goes to cut up those qualities by the roots. It says to the uneasy boy in his teens, you may enlist and throw off all parental authority; you may enlist and defraud the parent or master, who has maintained you in your helpless state, of his just reward. The strongest ties of affection and gratitude you may, by enlisting, dissolve in a moment. Nay, more, we say deliberately and solemnly—we will pay this promoted villain $300 for his iniquity! For such is the amount of the bounty and wages for three years. Who, sir, will be most likely to avail himself of this privilege, or rather of this course? Not the

sober, faithful minor, who might be trusted in a camp with some degree of safety, but the fickle, turbulent, restless youth, the one of all others who wants the salutary restraint of a parent or guardian. This is the person whom you are about to allow to plunge himself into all the dissipations, into all the seductions, and into all the vices of a camp!

But, sir, said he, it is inhumane, as well as immoral. Humanity calls upon you to take care of and educate the miserable offspring of the poor. Who will take them; who will provide for their infancy, if at the moment they are able to make any remuneration for this humane, this tender care, you offer them $300 to turn ingrate? But, sir, not only the public morals, but the public economy require that you should not enlist minors without the consent of their parents, guardians, or masters. What does public economy require, but that every one should serve the Republic in that capacity in which he can be most useful? And, sir, let me add that patriotism requires the same thing. If the blacksmith or the farmer is most useful in his calling, there is as much patriotism in attending to the anvil and the farm, as to the bayonet and the sword. Men of mature age, by accepting the terms you offer, or not, determine where they can be most useful; but does not every principle of economy forbid that you should go into the private family, the work shops and the manufactory, regardless of the opinion of the father and superintendent, and seduce the young man from learning some useful and honorable employment, and in lieu thereof, at that tender, at that doubtful period of human life, you plunge him into all the immoralities of a camp, and turn him a vagabond on society. No, sir, true economy requires that children should be well educated, well governed, and faithfully bred to some honest calling. The very principle, notwithstanding all the talk of patriotism, is recognised in the price you offer for soldiers, as well by the former law, as by the present bill. You offered by the former law, five dollars per month, by the present bill eight dollars. That is, you say to the world, that by being a soldier, you render to your country services worth five or eight dollars. Now, sir, for five or eight dollars per month is it prudent, is it economical, to dissolve the all-important relation of governor and governed in respect to youth. To break up your infant manufactories? and to deprive poor children at once of an useful employment, and a home? But, sir, perhaps it will be said that necessity, the safety of the Republic, requires this. When the legions of Britain were upon our shores, when we were struggling for our very existence, the necessity was not then thought sufficiently imperious to warrant such a principle. Can it then be said, that with treble the population, and in an offensive war, necessity requires the dangerous innovation? Certainly not. Again, the law, then and now, allows the soldier to be arrested for a debt amounting to two dollars; and will you say, that the debt in which there can be no deception incurred, for the most necessary of all things, food, clothing, and instruction for infancy, shall be disregarded? I trust, sir, that a principle so unreasonable will never prevail. But, lastly, said Mr. S., I do contend that the clause is contrary to the spirit, if not the letter, of the Constitution. That Constitution provides that private property shall not be taken without reasonable compensation. The property which a parent has in the services of his son, of a guardian in the services of his ward, and a master in the services of his servant, though differing widely in degree, is as real and oftentimes more important than the farmer has in his personal estates, or the planter in his slave. It also impairs the force of contract, which is strictly interdicted to the States, and *a fortiori* not to be done to the General Government. For these and for many other reasons which might be added, Mr. S. moved to strike out the third section of the bill.

Mr. D. R. Williams said he did not know in what school the gentleman (Mr. Stow) had learnt his ethics; but it appeared to him, his morals were graduated on a scale as weak and deceptive as would, from his observations, appear his patriotism. He (Mr. W.) had been taught to believe the principles of morality were in themselves fixed and settled; unyielding to times and circumstances, and, of course, that which was moral in relation to militia could not be otherwise in the regular army. But the principle of the section rests on still stronger grounds. In the militia, the service of the youth is obtained by coercion, in the regular army by voluntary enlistment. The gentleman has ascribed to me opinions which, he says, I expressed a year ago. He had not flattered himself that any opinion of his could have made so lasting an impression on that gentleman's mind, nor is it material distinctly to recall them to the House, much less could he anticipate such an unfair use would be attempted of any which he may be supposed to have held; but this he certainly remembered, the gentleman himself voted for the employment of militiamen under the age of twenty-one years. To *coerce* the militia services of a youth, was then quite moral in that gentleman's view; but to accept the *voluntary service* of the same individual in the regular army is denounced by him, as destructive of public morals and public economy. According to the gentleman, it is altogether moral to extort militia service of the young, to be performed, too, in a mode on which we all agree it is neither safe nor economical wholly to rely, while, to receive his voluntary service in the regular army, at a time of hazard and national extremity, is inhuman and immoral; and yet the gentleman has yielded that the immorality, this crying enormity, (the third section,) may be qualified by necessity! Can it be denied that the necessity is palpable? Can the gentleman wish to see it stronger? Did the affairs of any nation ever call louder for a physical force than do ours? The enemy are on your Western, your Northern, your Southern, and your Eastern frontiers—God only knows where they are not. He was warranted in advocating the section upon

the great principle of national necessity and usefulness. In all great crises, individual benefit ought not to preponderate against the public good. Militia services are transient; ought not to be solely depended on, and, as they are released, in that proportion ought your regular forces to be increased. The present provision is intended also to prevent the frauds and impositions practised on your recruiting officers, who are liable to forfeiture and the loss of the bounty paid to any one who may enlist under twenty-one years of age.

The gentleman's ideas of patriotism are equally novel and mistaken; he contends that individuals enter the military service of their country with precisely the same object that they become smiths—emolument.

Mr. W. said, he had always considered that patriotism was to be found in sacrifices of individual advantages to the public weal, and not, as is fairly to be inferred from the gentleman, in drawing individual emolument from the public coffers. No, sir; patriotism is not to be purchased, it flows from the heart; it is based on noble principles, and, although soldiers are paid for their services, the great stimulus which carries them into the field, is that love of country which is inseparable from the real patriot. In vain, sir, will the gentleman talk of the increase of our population since the Revolution; it must be much more augmented to produce even a less force than the one contemplated, if that which seems to be his patriotism, shall pervade the nation.

Mr. STOW.—The gentleman is mistaken in supposing I advocated the principle, that minors would make the *best* soldiers. His principal objection is to the collusions and frauds practised upon officers. He says, if an officer enlists a man under twenty-one, he is liable to lose the bounty. This is true. But does this section remove the difficulty? Are not officers exposed to the same frauds? Suppose you enlist one under eighteen, the age limited by the bill, the result to the officer must be the same—and has an officer any better means of knowing that a recruit is less than *eighteen*, than that he is less than *twenty-one?* Sir, if this section is made solely with regard to the protection of officers, it is clear that it does not, and cannot, remove the difficulty.

Mr. MILNOR said that, if he understood the third section of the bill under consideration, it allows recruiting officers to enlist minors above the age of eighteen years, without regard to their situation as apprentices to tradesmen, or living under the care and guardianship of their parents; and its object was to hold out to young minds a temptation to desert the useful course destined for them by their friends, for the purpose of becoming soldiers. Now, said Mr. M., whatever may be the necessity of war, on some occasions, and however necessary some might think that in which we are now engaged, which was a question he should not now meddle with, he was desirous that its operations should be so conducted, as to do as little injury as possible to our fellow-citizens; and, as the leading principle in the conduct of all politicians should be a regard to the public good, he hoped for a general concurrence in this sentiment; that, for his own part, he wished the war to be felt as little as possible in the families and occupations of the people. We are not, said he, to be organized into a military Government. However necessary some may deem this war, all will desire a short one. Thank God, no Napoleon has yet risen up amongst us to change our free institutions into a military despotism. Encourage, if you please, a military spirit, that we may be ready for the national defence, when necessary; but let it be done in the spirit of the Constitution, by means of a well regulated militia; let your citizens and your farmers surrender their apprentices and children to be trained and instructed in military tactics, at stated times, that, when arrived at the state of manhood, they may be ready for their country's service. But what is here proposed? To go into the workshop of the industrious mechanic, or into a parent's dwelling, and entice away, by the lure of money and military glory, the apprentice and the child. No matter what moneys may have been expended in his education, or how great has been parental exertion to advance the future prospects of the child, any recruiting officer, or even a common soldier, profligate in his principles, and inured to vicious habits, is by this bill encouraged to seduce him from his duty. This is not the only bad effect—society, no less than the individual, is interested in his acquisition of a trade, that he may have the means of preventing himself and family from becoming a burden to the community. There is a sufficient proneness to vice in the youthful mind, but this mischievous provision dangerously enlarges the sphere of temptation. Mr. M. said he was particularly alamed for the city where he resided; that it was already to a very great extent a manufacturing town, and greatly increasing in manufactures. There artisans are very numerous, and many depend almost entirely on their apprentices for the prosecution of their business—to them it was a most injurious measure. Every one knows that boys, of the age you have proposed to make them soldiers, very often become discontented with their situations, they form connexions, and acquire propensities which create a strong desire of release from their master's service; and do you propose to fill your armies by providing these indiscreet young men with the means of legally gratifying their improper inclinations, and thereby do incalculable injury to them, while you lacerate the feelings of their parents, or give a deep wound to the interests of their masters. Viewing this expedient on the score of its general policy, its morality, its justice or humanity, Mr. M. said, he deemed it equally pernicious and unwarrantable. The honorable chairman of the Military Committee had said, that frauds were now practised by pretended allegations of minority, and the bounty paid was in many instances lost. Surely, said Mr. M., this must be the fault of the officer, in yielding too lightly to unsupported suggestions of this sort—

he might, if he pleased, require the fact to be proved in a court of justice on a *habeas corpus* or other process, instituted for investigating the matter.

Mr. TROUP said, the objections to this provision were lame in their nature; he only wished they were half as sound as they were novel. It was the result of the experience of men older than themselves in military concerns, that this very description of population, between eighteen and twenty-one, constituted the strength and vigor of every war. What was the fact as respected France? So just was this principle in the contemplation of France, that her whole army is made up of these young men; and yet an attempt is made to deter us from using them by a flimsy pretext, that to employ them would be violating the obligations of a contract and the principles of morality. If our feelings and sympathies be suffered to influence us in favor of the individual who voluntarily enlists, the reasons are much stronger in favor of discharging one-half of those already in your ranks, than the description just spoken of. There is scarcely any man over the age of twenty-one years, between whom and other individuals there is not some strong obligatory moral tie, which we ought not to sever if we could conveniently avoid it. Look at the case of a husband deserting his wife and children, or of a man, above twenty-one, deserting his aged parent, dependent on him for subsistence. Are not these cases equally strong? The doctrine of the gentleman, whether on the score of morality or expediency, will apply to cases above as well as below the age of twenty-one. As respects the young men of our country, there is no fact better established than that, at the age of eighteen, they are, as respects physical power, as well qualified for the fatigues of the camp, as in other countries at twenty-one. Their services are more valuable than those of any other class, and he was not willing to dispense with them when we had the greatest occasion for them.

Mr. LOWNDES spoke in favor of the section, but in so low a tone of voice as to be inaudible to the reporter.

Mr. GOLD premised, that he did not rise to enter into the general policy of the war; nor could he deny it to be the duty of those who have declared the war, to provide an army to carry it on. But he added, it is better for the army to be augmented by very liberal bounties and wages, than that important principles should be violated and an inroad made upon the great relations and interests of society. Are gentlemen aware how extensive is the province of master and apprentice? How wide-spread the relation in the community? A sensation will be produced which gentlemen seem not to have anticipated. The respective States have, with studious care, legislated upon and regulated the various duties and obligations of masters and apprentices. Under those laws, a clear obligation is created upon the apprentice to serve till of age; and, in some States, to compensate for absence or desertion during the stipulated apprenticeship; for a faithful performance, the parent or guardian becomes responsible; and for non-performance, liable for damages to the master. Can the authors of this bill imagine that those solemn obligations contained in indentures of apprenticeship, will dissolve and vanish under the charm of the bill? Can the fundamental principles of the Constitution, rendering contracts sacred, be thus uprooted and destroyed? Can this bill deprive the master of his action, secured to him by the laws of the State, against the master or guardian for absence or desertion of the apprentice? Here is a most serious bearing upon the laws of the States, regulating this important relation. But gentlemen allege *necessity*; the army must be filled up; officers are imposed on by fraudulent minors, who receive the bounty, and then claim a release upon the plea of non-age. In answer, let gentlemen beware how they yield to this fancied plea of necessity. All history attests the danger of yielding essential principles to State necessities; to temporary pressure and impulses; such precedents become infinitely mischievous in society. No fancied benefit can compensate for the evil of such examples. How easy is it to remove much of the complaints by providing that the minor, who shall impose upon the recruiting officer, shall refund the bounty he received before he shall receive his discharge. Such a provision would be just, and not violate general principles. There is certainly no new difficulty in the subject; no new exigency, or unforeseen embarrassment. How far this act will be carried into practice, I cannot say; but the letter of the bill extends to all persons whatever, any former law to the contrary notwithstanding. The provision reaches slaves, who, on enlisting, may be retained by the recruiting officer.

The motion to strike out the third section was negatived.

Mr. LITTLE.—In removing one evil, Mr. Chairman, let us beware that we do not substitute a greater. The object of the section proposed to be stricken out of the bill on your table, and now under consideration, is to fill up the ranks of your army. From every attention I have been able to bestow on this subject, which, permit me to say, I am anxiously desirous, as much so, I trust, as any gentleman in this committee, to see realized, will, if returned in its present shape, in my humble opinion, be productive of much evil, and perhaps but little good. You receive into the army, by voluntary enlistment, that description of our fellow-citizens, at a time of life to them the most interesting and auspicious as respects their future pursuits and welfare. I have always been given to understand that the camp is but ill calculated in those stations which they only can fill in the army, either to improve their understandings or perfect them in such habits as are calculated to acquire a respectable subsistence, or fit them for the domestic duties of their future lives. In the course of nature, they, it may be truly said, constitute the future strength and glory of every country. The laws of this land render every act of theirs illegitimate. Abstract

from the consideration of a soldier, for which they are only rendered fit from their corporeal powers, everything with them is premature. If forced into existence, like the flower or fruit unseasonably raised in a hot-bed, wears the external qualities, but, in fragrance and taste, is unnatural and insipid.

Sir, have we not some reason to doubt the constitutionality of this section. In its operation, it evidently will vitiate contracts, which ought always to be held sacred, solemnly and voluntarily entered into by the parent or guardian with the master of an apprentice, reciprocally beneficial, founded on the most laudable and praiseworthy principles, on the faithful performance of which materially depends the future welfare of the youth, to which I believe may reasonably be added the comforts and good order of society. Do we not know, Mr. Chairman, that, at that period of their lives and servitude, in which you make them liable, if this section is retained, to be drawn from the service of their masters, that then, and only then, are they enabled and become qualified to make some remuneration for the pains and attention paid to their improvement and instruction by the worthy and industrious mechanic or manufacturer; and will you, by this unpropitious act, endanger the future happiness of the former, and withhold that just reward due to the industry of the latter? You annihilate this contract, which ought to be held, if possible, inviolate by the Government. Every principle of justice and sound policy dictates its rigid fulfilment. Are we not aware, sir, of the immense sums now invested and actively employed in the different manufactories distributed over our extensive country? Do we not know that the manual labor of them is conducted principally by such who now are, or will in time, come within the provision of this section of your bill? Have this Government, and the people of this country, no interest in the prosperity of these manufactories? I have been always taught, and for one do religiously believe, on their materials virtually depends the completion of our independence as a nation. Let me entreat you to reflect before you hazard this dangerous experiment, lest, in the adoption of this hitherto novel principle, and in its operation, you may endanger the safety, or, at least, the prosperity of our Republic, by giving its manufactories a vital stab.

From the present state of our relations with foreign countries, we are, I may say, happily deprived of their supplies of manufactures, necessary to our convenience and comfort, from abroad; we must at this day depend nearly entirely upon the resources of our country. I thank God that the productions of our native soil, and the genius of our countrymen, are such as will abundantly supply them. Hitherto, the very arms with which our soldiers fight our battles, have been manufactured by our own citizens. And it is said that their clothing will, in a little while, be composed entirely of the domestic. The prosperous situation in which all our manufactories are now placed, will enable them to afford every comfort to both citizen and soldier—if improvidently we do not, by any act of ours, strangle them in their infant efforts. I shall hail the happy day which will bring with it their maturity; which, for the happiness of my country, is not far distant.

The gentleman from South Carolina, (Mr. LOWNDES,) in declaring the necessity of the times, and the right the Government has upon the services of its citizens, has done justice to the dispositions and qualifications of that class of our fellow-citizens. I differ from that gentleman in the idea of those times. They have not yet arrived. When our territory or States shall be invaded, we need no other laws than those which now are in existence, both in the General and State governments. I know it to be the case in that which I have the honor in part to represent. When a draught takes place, and troops are wanted, our laws know no exemption between the ages of eighteen and forty-five years—all are subject to their tour of military duty. When our State is invaded, or threatened to be invaded, the existing laws command the instant service of all. I need urge no arguments to this Committee to show where the distinction exists between this service and a voluntary one in distant war. In the former, when the tour is performed, the survivors return to their farms, their workshops, and homes.

It is not my desire, Mr. Chairman, to prohibit altogether the enlistment of minors, when it can be done without a violation of the rights which a parent, guardian, or master, has over them in governing their actions. I have felt it my duty to give you those reasons, founded on my best judgment, why I cannot vote for this section; and shall now submit an amendment, which I believe supersedes the motion of the gentleman from New York (Mr. STOW.)

Here Mr. L. prepared his amendment, which went to authorize the enlistment of minors with the consent of their parents, guardians, or masters, if any they have.

The motion was declared by the Chairman not to be in order.

Sundry other amendments were proposed in the Committee, after the bill was reported to the House, and negatived. The bill was then ordered to be engrossed for a third reading.

SATURDAY, November 21.

Mr. WILLIAMS, from the committee appointed on that part of the President's Message which relates to military affairs, presented a bill making provision for an additional number of general officers; which was read twice, and committed to a Committee of the Whole on Monday next.

On motion of Mr. FISK,

Resolved, That a committee be appointed to inquire into the expediency of altering the times and places of holding the circuit and district courts of the United States, within, and for, the district of Vermont, and that they have leave to report by bill, or otherwise.

Mr. Fisk, Mr. Pond, and Mr. Hall, of New Hampshire, were appointed the committee.

On motion of Mr. Rhea,

Resolved, That the Committee on the Naval Establishment be instructed to inquire what amendments, if any, are necessary to be made to the law directing the mode of trial and punishment of offences committed on board of private armed vessels of the United States, and report their opinion thereon, by bill or otherwise.

The House resolved itself into a Committee of the Whole on the bill supplementary to the acts heretofore passed on the subject of an uniform rule of naturalization. The bill was reported without amendment, and ordered to lie on the table.

An engrossed bill "in addition to the act concerning letters of marque, prizes, and prize goods," was read the third time, and passed.

PAY OF THE ARMY.

An engrossed bill "concerning the pay of the non-commissioned officers, musicians, privates, and others, of the Army, and for other purposes," was read the third time.

Mr. Quincy.—Mr. Speaker, I am sensible that I owe an apology for addressing you at so early a period of the session, and so soon after taking my seat, if not to the House at least to my particular constituents. It is well known to them, at least to very many of them, for I have taken no pains to conceal the intention, that I came to this session of Congress with a settled determination to take no part in the deliberations of the House. I had adopted this resolution, not so much from a sense of self-respect, as of public duty. Seven years' experience in the business of this House, has convinced me that from this side of the House all argument is hopeless; that whatever a majority has determined to do, it will do, in spite of any moral suggestion, or any illustration made in this quarter. Whether it be from the nature of man, or whether it be from the particular provisions of our Constitution, I know not, but the experience of my political life has perfectly convinced me of this fact, that the will of the Cabinet is the law of the land. Under these impressions, I have felt it my duty not to deceive my constituents; and had, therefore, resolved, by no act or expression of mine, in any way, to countenance the belief, that any representation I could make on this floor could be useful to them, or that I could serve them any farther than by a silent vote. Even now, sir, it is not my intention to enter into this discussion. I shall present you my thoughts rather by way of protest than of argument. And I shall not trouble myself afterwards with any cavils that may be made; neither by whom, nor in what manner.

I should not have deviated from the resolution of which I have spoken, were it not for what appears to me the atrocity of the principle, and the magnitude of the mischief, contained in the provisions of this bill. When I speak of the principle as atrocious, I beg distinctly to be understood as not impeaching the motives of any gentlemen, or representing them as advocating an atrocious principle. I speak only of the manner in which the object presents itself to my moral view.

It is the principle contained in the third section of the bill of which I speak. That section provides, that "every person above the age of 'eighteen years, who shall be enlisted by any 'officer, shall be held in the service of the United 'States during the period of such enlistment, 'anything in any act to the contrary notwithstanding." The nature of this provision is apparent, its tendency is not denied. It is to seduce minors of all descriptions, be they wards, apprentices, or children, from the service of their guardians, masters, and parents. On this principle, I rest my objection to the bill. I meddle not with the nature of the war. Nor is it because I am hostile to this war, both in its principle and its conduct, that I at present make any objection to the provisions of the bill. I say nothing against its waste of public money. If eight dollers a month for the private be not enough, take sixteen dollars. If that be not enough, take twenty. Economy is not my difficulty. Nor do I think much of that objection of which my honorable friend from Pennsylvania (Mr. Milnor) seemed to think a great deal; the liberation of debtors from their obligations. So far as relates to the present argument, without any objection from me, you may take what temptations you please, and apply them to the ordinary haunts for enlistment—clear the jails—exhaust the brothel—make a desert of the tippling shop—lay what snares you please for overgrown vice, for lunacy, which is of full age, and idiocy out of its time.

But here stop. Touch not private right—regard the sacred ties of guardian and master—corrupt not our youth—listen to the necessities of our mechanics and manufacturers—have compassion for the tears of parents.

In order to give a clear view of my subject, I shall consider it under three aspects—its absurdity—its inequality—its immorality.

In remarking on the absurdity of this principle it is necessary to recur to that part of the Message of the President of the United States at the opening of the present session of Congress, which introduced the objects proposed in this bill to the consideration of the House; and to observe the strange and left-handed conclusions it contains. The paragraph to which I allude is the following:

"With a view to that vigorous prosecution of the war, to which our national faculties are adequate, the attention of Congress will be particularly drawn to the insufficiency of existing provisions, for filling up the Military Establishment. Such is the happy condition of our country, arising from the facility of subsistence and the high wages for every species of occupation, that, notwithstanding the augmented inducements provided at the last session, a partial success only has attended the recruiting service. The deficiency has been necessarily supplied during the campaign, by other than regular troops, with all the inconveniences

and expense incident to them. The remedy lies in establishing more favorably for the private soldier, the proportion between his recompense and the term of enlistment. And it is a subject which cannot too soon or too seriously be taken into consideration."

Mr. Speaker—What a picture of felicity has the President of the United States here drawn in describing the situation of the yeomanry of this country? Their condition happy—subsistence easy—wages high—full employ. To such favored beings what would be the suggestions of love, truly parental? Surely that so much happiness should not be put at hazard. That innocence should not be tempted to scenes of guilt. That the prospering ploughshare should not be exchanged for the sword. Such would be the lessons of parental love. And such will always be the lessons which a President of the United States will teach in such a state of things, whenever a father of his country is at the head of the nation. Alas! Mr. Speaker, how different is this Message! The burden of the thought is, how to decoy the happy yeoman from home, from peace, and prosperity, to scenes of blood—how to bait the man-trap: what inducements shall be held forth to avarice, which neither virtue, nor habit, nor wise influences, can resist. But this is not the whole. Our children are to be seduced from their parents. Apprentices are invited to abandon their masters. A legislative sanction is offered to perfidy and treachery. Bounty and wages to filial disobedience. Such are the moral means by which a war, not of defence or of necessity, but of pride and ambition, should be prosecuted. Fit means to such an end.

The absurdity of this bill consists in this: in supposing these provisions to be the remedy for the evil, of which the President complains. The difficulty is, that men cannot be enlisted. The remedy proposed is, more money—and legislative liberty to corrupt our youth. And how is this proved to be a remedy? Why it has been told us, on the other side of the House, that this is the thing they do in France. That the age between eighteen and twenty-one is the best age to make soldiers. That it is the most favorite age, in Bonaparte's conscription. Well, sir, what then? Are we in France? Is Napoleon our king? Or is he the President of the United States? The style in which this example has been urged on the House, recalls to my recollection very strongly a caricature print which was much circulated in the early period of our Revolutionary war. The picture represented America as a hale youth, about eighteen or twenty-one, with a huge purse in his pocket. Lord North, with a pistol at his breast, was saying, "deliver your money." George the Third, pointing at the young man, and, speaking to Lord North, said, "I give you that man's money for my use." Behind the whole group was a Frenchman capering, rubbing his hands for joy, and exclaiming, "Be Gar! just so in France!" Now, Mr. Speaker, I have no manner of doubt, that the day that this act passes, and the whole class of our Northern youth is made subject to the bribes of your recruiting officers, that there will be thousands of Frenchmen in these United States rubbing their hands for joy, and exclaiming, "Be Gar! just so in France." Sir, the great mistake of this whole project lies in this: that French maxims are applied to American States. Now it ought never to be lost sight of by the legislators in this country, that the people of it are not and never can be Frenchmen—and, on the contrary, that they are, and can never be anything else than freemen.

The true source of the absurdity of this bill, is a mistake in the nature of the evil. The President of the United States tells us that the Administration have not sufficient men for their armies. The reason is, he adds, the want of pecuniary motive. In this lies the error. It is not pecuniary motive that is wanting to fill your armies. It is moral motive in which you are deficient. Sir, whatever difference of opinion may exist among the happy and wise yeomanry of New England, in relation to the principle and necessity of this war, there is very little, or at least much less diversity of sentiment, concerning the invasion of Canada, as a means of prosecuting it. They do not want Canada as an object of ambition; they do not want it as an object of plunder. They see no imaginable connexion between the conquest of that province, and the attainment of those commercial rights which were the pretended objects of the war. On the contrary, they see, and very plainly too, that if our Cabinet be gratified in the object of its ambition, and Canada become a conquered province, that an apology is immediately given, for extending and maintaining in that country a large military force; under pretence of preserving the conquered territories—really, with a view to overawe adjoining States. With this view of that project the yeomanry of New England want that moral motive which will alone, in that country, fill your armies with men worthy enlisting. They have no desire to be the tools of the ambition of any man, or any set of men. Schemes and conquest have no charms for them.

Abandon your projects of invasion; throw your shield over the seaboard and the frontier; awe into silence the Indians in your territory; fortify your cities; take the shackles from your commerce; give us ships and seamen; and show the people of that country a wise object of warfare; and there will be no want of men, money, or spirit.

I proceed to my second objection, which was to the inequality of the operation of the provisions of this bill. It is never to be forgotten, in the conduct of the Government of these United States, that it is a political association of independent sovereignties, greatly differing in respect of wealth, resource, enterprise, extent of territory, and preparation of arms. It ought, also, never to be forgotten, that the proportion of physical force which nature has given does not lie within precisely the same line of division with the proportion of political influence which the Constitution has provided. Now, sir, wise men, conducting a political association thus constructed, ought

always to have mainly in view, not to disgust any of the great sections of the country, either in regard of their interests, their habits, or their prejudices. Particularly ought they to be cautious not to burden any of the great sections in a way peculiarly odious to them, and in which the residue of the States cannot be partakers, or at least only in a very small degree. I think this principle of political action is incontrovertible. Now, sir, of all the distinctions which exist in these United States, that which results from the character of the labor in different parts of the country, is the most obvious and critical. In the Southern States, all the laborious industry of the country is conducted by slaves; in the Northern States it is conducted by the yeomanry, their apprentices, or children. The truth is, that the only real property, in the labor of others, which exists in the Northern States, is that which is possessed in that of minors—the very class of which, at its most valuable period, this law proposes to divest them. The planter of the South can look round upon his fifty, his hundred, and his thousand of human beings, and say, These are my property. The farmer of the North has only one or two *ewe lambs*—his children—of which he can say, and say with pride, like the Roman matron, "These are my ornaments." Yet these, this bill proposes to take from him, or (what is the same thing) proposes to corrupt them—to bribe them out of his service; and that, too, at the very age when the desire of freedom is the most active, and the splendor of false glory the most enticing. Yet, your slaves are safe; there is no project for their manumission in the bill. The husbandman of the North, the mechanic, the manufacturer, shall have the property he holds in the minors subject to him put to hazard. Your property in the labor of others is safe. Where is the justice—where the equality—of such a provision?

It is very well known in our country—indeed it is obvious, from the very nature of the thing—that the exact period of life at which the temptation of this law begins to operate upon the minor, is the moment when his services begin to be the most useful to the parent or master. Until the age of 18, the boy has hardly paid to the parent or master the cost of his clothing and education. Between the age of 18 and 20, is just the period of profit to the father and master. It is also the period at which, from the approximation towards manhood, service begins to grow irksome, and the desire of liberty powerful. The passions are then, also, in their most ungoverned sway; and the judgment, not yet ripe, can easily be infatuated and corrupted by the vain dreams of military glory. At this period, your law appears with its instruments of seduction. It offers freedom to the minor's desire of liberty—plunder to his avarice—glory to his weakness. In short, it offers bounty and wages for disobedience to his natural or social obligations. This is a true view of this law. That it will have that full operation which its advocates hope and expect—that it will fill your armies with runaways from their masters and fathers—I do not believe; but, that it will have a very great operation, I know. The temptation to some of our youth will be irresistible. With my consent, they shall never be exposed to it.

I offer another consideration. The Constitution of the United States declares, in its seventh amendment: "Private property shall not be taken for public use, without just compensation." Now, of all the property which the laws of the Northern States secure to the people of that country, that which consists in the labor of the minor, and which, by our laws, is sacred to the guardian, master, or parent, is perhaps the most valued and most precious to our manufacturers and yeomen. Yet, when the gentleman from New York (Mr. STOW) proposed to secure the wages and bounty of the enlisting minor to those to whom his service belonged, it was rejected. What is this, but a palpable violation of the provision of the Constitution? What is this, but taking private property for public use, without compensation?

But, neither the pecuniary loss, nor the violation of the Constitution, is the evil which I most deprecate: it is the infringement of our moral rights, and the inroad which the bill makes in the moral habits of our quarter of the country. I know that gentlemen are very apt to sneer, when they hear anything said about our religious institutions or moral habits in the Eastern country. But, I will explain what I mean. It is not our religious institutions—our sabbaths, our fasts, our thanksgivings—nor yet our schools, colleges, and seminaries of education, to which I refer, when I speak of our moral habits. These are but means and precautions. It is certain established principles of life and conduct, which, without being noticed in general laws, are often the foundation of them, and which always rule and control our positive institutions. I do not know, for instance, that the extent of the moral tie, which binds the son to the father, or the apprentice to the master, is precisely defined by any of our laws; yet, the principle upon which all our laws on this subject rests, is this: that this tie is sacred and inviolate. The law regulates, but, except in case of misconduct, never severs it.

I know it is said, that, in our country, minors are subjected to militia duty; and so they are. But, this very service is a proof of the position which I maintain. The obligation to serve in the militia, is always subject to the paramount duty to the master and the parent.

The law says, it is true, that minors shall be subject to militia duty; but it also permits the father and the master to relieve them, at an established price. If either will pay the fine, he may retain the service of the minor, free from the militia duty. What is the consequence of all this? Why, that the minor always trains not free of the will, but subject to the will of his natural or legal guardian. The moral tie is sacred; it is never broken. It is a principle that (cases of misconduct out of the question) the minor shall never conceive himself capable of escaping from the wholesome and wise control of his master or father. The proposed law cuts athwart this wise

principle. It preaches infidelity. It makes every recruiting officer in your country an apostle to perfidy. It says to every vain, thoughtless, discontented, or ambitious minor, "Come hither; here is an asylum from your bonds! Here are wages and bounty for disobedience! Only consent to go to Canada—forget what you owe to nature and your protectors—go to Canada, and you shall find freedom and glory!" Such is the morality of this law.

Take a slave from his master, on any general and novel principle, and there would be an earthquake from the Potomac to the St Mary's. Bribe an apprentice from his master; seduce a son, worth all the slaves Africa ever produced, from his father, we are told it is only a common affair. It will be right when there is law for it. Such is now the law in France!

Mr. Speaker, I hope what I am now about to say will not be construed into a threat. It is not uttered in that spirit; but only to evince the strength of my convictions concerning the effect of the provisions of this law on the hopes of New England, particularly of Massachusetts. But pass it, and if the Legislatures of the injured States do not come down upon your recruiting officers with the old laws against kidnapping and man-stealing, they are false to themselves, their posterity, and their country.

Mr. FISK expressed the astonishment he felt at the observations which had fallen from the gentleman last up. He certainly agreed with the gentleman in one thing: that those who are in pursuit of a favorite object frequently overleap the bounds of reason and decorum in support of it. Now, it had been a favorite object with that gentleman to shield the British Government from blame; and it was an object which he certainly pursued with the greatest ardor and anxiety. In the address of that gentleman's political friends, in Congress, to their constituents, subsequent to the declaration of war, it had been deceptively said, that a disposition existed in the British Government to make an arrangement on the subject of impressment. Now, sir, that the ground is taken from under them, we hear that the object of the war is an unrighteous one, and we are guilty of waging it. Is it indeed guilty to defend our country? said Mr. F. The gentleman would overawe the Indians. Sir, the most innocent party in the war against us is the savage himself. How comes he in the ranks against us, with his tomahawk and scalping knife? Why is he impelled to shed our blood? Why has the gentleman shielded British instigation of their outrages?

Again, sir—Has the gentleman no feeling for the sufferings, no ear for the groans of our suffering seamen? Has he no sympathy for those relations of life, from which the seamen is torn away, and for that moral sentiment which is violated in that outrage—and are we *guilty* because we seek to shield our citizens from it? Are we guilty because we resist the British scalping knife? Recall the year '98 to your recollection, sir, and the pompous display of energy at that day, and the armies raised—to fight whom?—a few miserable Frenchmen whom they could catch at sea. War was then a mere amusement. Why, that we are now at war with the nation which has been seizing our property, capturing our citizens, and carrying them into slavery—why are our means of carrying on war to be limited?

As to the provision of this bill so much objected to, was it esteemed such a violation of all right and principle in the commencement of the Revolution to take children of sixteen years of age from their parents? That was a period when the youth of the country were invited to the field. I was one who accepted the invitation, and I have never regretted it. But, says the gentleman, will you take the child from the parent? Sir, which excites the most tears—a child leaving his parent to defend his country, or a parent torn from his family and his country to fight for a foreign Power? The truth is, that most of those who object to this bill would destroy all the means of carrying on the war, if they could. It was not thought immoral in the war of the Revolution to take youths of this age, nor were they the least efficient part of our army.

But, the gentleman says, the property of a master is thus to be taken from him, and the Constitution guaranties that it shall not be taken. It is the first time I have heard apprentices called property, and they will scarcely thank the gentleman for comparing them to the negroes of the South. The gentleman says we imitate the example of France. He might as well say, we are all Frenchmen because we fight; or that Englishmen are all Frenchmen, for the same reason.

The gentleman speaks of this bill as though its provisions were compulsory. Sir, it contains nothing but an offer to the young men of going into the service of their country, and defending its rights. Had that gentleman retained the pride and feeling of 1776, which has carried us safely through one war, he would not have thought it dishonorable to go out in defence of his country. We have much more cause of war now than we had then. There is no choice between recolonization and war, nor has there been any for a long time. Those who are now disaffected in the East, if they believed Great Britain insisted on the right to impress our citizens, would one and all have drawn the sword on our side. It is because they have been deceived, that they have not done so. It is this cry of French influence which has blinded them. The people of the East are jealous of their rights—and God send they may always remain so. These insinuations, sir, have been a brand of discord thrown among us. It is the division they have excited, and the hope of still greater, which has drawn this war upon us. And yet, sir, what have we been told by the gentleman of our guilt? The arrangement of Erskine, Great Britain refused to ratify; she bribed your citizens to break your laws in a clandestine trade, which is forbidden to the fair and honest merchant. Not a word said against it by the gentleman! And even at this moment, when the sword is drawn, after your men are butchered and roasted—after years of outrage have passed

away—the war on our part is called a guilty contest! These sentiments may seem proper to be uttered here; but they are not American sentiments, and the time is approaching when they will not be received in this nation. I tell the gentleman and the world, that such will be the case. I see nothing in the bill objectionable; it contains some provisions absolutely indispensable; and I shall vote for it with pleasure.

Mr. D. R. Williams said, if it was possible for him to keep down those feelings of indignation which pressed upon his mind, in what he had now to offer, he would speak with due respect to the orders of the House, and not infringe its privileges. He wished, indeed, he had not occasion to speak; but, sir, said he, it is my misfortune to be the Chairman of the Military Committee, more, Mr. Speaker, by your partiality than by any merit of mine. I am compelled to rise. I have been stigmatized by the gentleman (Mr. Quincy) as the introducer into this House of an atrocious principle. If such language comports with our rules of order, I must submit, seeing it is uttered where he is protected; but, sir, I must pronounce it a libel on myself, and throw it back on him who uttered it, as a foul, atrocious libel on the committee. Sir, I came here not disposed to use such language; nothing but extreme injury should extort it from me. I wish that the gentleman had kept the resolve he informed us he had formed; as he could not do so, I would that he had been good enough to spare me from the acrimony of his remarks. Atrocity! The advocate of an atrocious principle! Let the gentleman recur to those who originated this principle; let him go back to the day of the Revolution, and damn the memory of the patriots of those times, the fruit of whose labors he so ill deserves to enjoy. The provisions of those days authorized the enlistment of all over the age of sixteen years. Nor does the statement which the gentlemen from New York made alter the case, for if there be an increase of population since the Revolution, there appears to be a correspondent deterioration of patriotism. The gentleman from Massachusetts admits that a necessity may exist to justify the course proposed by the bill. Well, sir: was there ever a crisis calling on a people for vigorous exertions more awful than that which impends over us now? Now, when a vile spirit of party has gone abroad and distracted the Union? Now, that the State which the gentleman represents is almost in arms against us? And, in such a state of things are we to be told that we are espousing an atrocious principle, because we are seeking for the means to defend our country? The will of the President is the law of the land, says the gentleman. How can he expect his arguments to be attended to, when the first word he utters after taking his seat is to insult and abuse every one opposed to him in opinion. I beg your pardon, Mr. Speaker, I ask that of the House, for the language I am compelled to use; but so long as I am a man, so help me God, when I am told I am actuated by an atrocious principle, I will throw it back in the teeth of the assertor as an atrocious falsehood. Look back on the principle adopted by the friends of that gentleman—I wish I could say who were his friends—I do not call the honest federalist, who is willing to support his country's rights, his friend—even in England, the nation from which he talks of receiving his religion and morality, and I might add, his ideas of *our* rights—even in that country they do not prevent enlistment of minors—that is, they are not discharged on the ground of minority. I have said before, sir, that we had examples in our own Government, drawn not to be sure from the purest times, but which more than covered the whole case. A law was passed in 1798 which authorized the enlistment not only of minors but every description of persons whom the President of the United States thought proper to have enlisted—which authorized him to send his recruiting sergeants into every family and take those who suited him best. This was the principle of his friends. Does the gentleman say that it was atrocious in 1798 to defend ourselves against the French? But it has become so now, seeing the defence we seek is against the English. The gentleman has said we act on an absurd principle; that we have mistaken the means of carrying on the war to effect: we want the moral means. By this I presume he would be understood that the people are opposed to the war, particularly to our land operations. There seems then to be no moral objection to the war on the ocean. And, sir, if it be not immoral to support the war on the ocean, on what possible principle can it be immoral, in the same cause, to support it on the land? The war on both elements is for the same object; not, as the gentleman says, to rob and plunder in Canada, but, according to the motto of the gallant Captain Porter, for "free trade and sailors' rights." Will the gentleman take time to tell us—when he next draws a comparison between the conduct of the East and the South—what are the Southern motives for urging the prosecution of the war? Will he tell me that I have brothers or friends impressed in the British service? There is scarcely a man from the whole Southern country in that situation. Where do the majority of your sailors come from? From the Southern States or from New England? And will the gentleman tell his constituents, when we are laboring to rescue their connexions, their friends, their children—when we point the bayonet towards Canada, for the protection of their sailors, our only object is robbing and plunder? Sir, we shall be to all intents and purposes colonists, or we must fight ourselves independent. Is there any one principle of colonization which has not been brought to bear on us by the British Government with more rigor than on the island of Jamaica? Colonization has been brought home to the habitation of every man! Does not the gentleman know that the British functionaries have refused to release the friends, the children of his brethren, of his constituents? Is not any argument to the contrary worse than false? Sir, a recreant coward or a treacherous traitor has brought a stain on this

country which nothing but physical force, a filling the ranks of your army, can wipe off. To effect this desirable object the bill has been introduced, to which all this strange and violent opposition is made. Is your recruiting officer ordered by this bill into the work shop of the artisan to seduce his apprentices? Is he ordered into the house of your farmers to steal away their sons? No, sir; its object is to prevent collusion and fraud; to prevent depredation, as it has been called, on your ranks. It is sanctioned by precedent; it is enforced by necessity. Under such circumstances individual convenience ought not to preponderate against the general good? We ask not for the sustainment of an atrocious principle, or for the adoption of an immoral law, but for the means to support a just war until we can obtain an honorable peace—as much for the convenience and real benefit of that gentleman and his friends as of any in the House. Sir, I hope the House, notwithstanding the terrible picture which has been attempted of the resentment which will be drawn down on your recruiting officers, will not suffer itself to be influenced, much less frightened, by the gentleman, from the prosecution of its true interest, as at the repeal of the embargo. If you will yield to threats from any quarter, better at once abandon your seats and return to your homes. Let Massachusetts, as the gentleman has threatened, resist the law; I thank God there is yet no point of contact between us, but if she shall, contrary to our mutual interest, array herself against the General Government, I, for one, shall not hesitate to search for the proof that she is only a component part of the Union—not its arbitress.

Mr. WHEATON said, that being now satisfied that the bill would receive the sanction of a majority of the members present, he would not detain the House but for a single moment, in adding to the remarks that had already been made. He regretted extremely that the amendments that had been proposed could not have been received, as without them he could not, in good conscience, give his vote for its becoming a law. He said he had never been an advocate for commencing the war, the difficulties and calamities of which the country now felt, and that were he now to profess a friendship for its continuance, his sincerity might be doubted, at least by some; he had, therefore, no such professions to make; but he presumed it would not be doubted when he declared, that he had no objection to any reasonable remuneration for the services of those unfortunate men who, either voluntarily or by compulsion, had entered the ranks of our armies; and that he did not think the sums, as annexed to the several grades mentioned in the first section of the bill, were, under every equitable consideration, too high. He doubted, however, whether such an increase of pay were the dictate of public policy. Pinching want may give courage and resolution to those whom a fulness would render inactive or disorderly. Besides, as this war must undoubtedly continue at least half a century before any valuable object can probably be obtained by it, it may be worth consideration whether we are not entailing too heavy a burden upon those that are to come after us. Regard is to be had to those that are to pay, as well as to those that are to receive; and it has always been attended with more difficulty to reduce than to raise the wages of those employed in the public service. But to this additional pay, however reasonable in itself, there is another objection, and perhaps more forcible than any; that is, that it is ill-timed. For, said Mr. W., if it be a fact, and that it is, as an honorable man, I am not at liberty to doubt, as it is supported by no less authority than that of the President of the United States, "that the national spirit rises according to the 'pressure on it, and that the late partial calami-'ties we have experienced have been converted 'into a source of invigorated efforts, so as to ren-'der it necessary to limit rather than to excite 'the patriotic zeal of the people," would it not be a dictate of prudence to postpone this new encouragement to enlistments to those duller days, we are taught to expect, and which we fondly anticipate; when our arms in the hands of our present soldiers shall be more prosperous, and our success more complete, and when consequently the ardor and patriotism of our people "distinguished by their political stations," shall abate! And further he observed, as applicable to the provision in the bill for freeing those that might enlist from arrests in civil causes, that no justifiable reason could be assigned why one set of men should be thus privileged, and placed in a situation where they might acquire a right in the burying grounds of a foreign country, while another are thereby deprived of their honest dues. He also thought it irreconcilable to conscience in legislators, who are the guardians of the lives, as well as property of the people, when they will not suffer the conveyance of the smallest parcel of property, made by minors, to be valid, to legalize a contract made by such an one, without the solemnities required from persons of full age, in cases much less important, and perhaps entered into in a thoughtless moment, by which, if he should fail in the performance, he might become liable to be shot. On the whole, he said, that if the war were popular, as many gentlemen affirm, it might be well worth a little consideration how far it will go in support of that idea abroad, when it is found that, to carry it on, the Government find it necessary to call to their aid bankrupts without principle, and boys without discretion.

Mr. WIDGERY.—Mr. Speaker: This question has been ably investigated by several gentlemen, especially the gentleman from South Carolina, who is Chairman of the Military Committee. But there are two points stated by the gentleman from Boston, which have not been answered by any one. In one he charges the Government with being under French influence. The other is, that the will of the Executive is the law of the land. And to elucidate his French influence, he gives you a caricature, showing that we acted as in France. I will answer by another—it is of a crowd standing by a shopkeeper's door in Lon-

don; the shopkeeper, missing a piece of goods, cries *stop thief;* the thief, finding himself likely to be discovered, rushed through the crowd crying, louder than all the rest, *stop thief!* This will apply to the gentlemen who are continually crying out French influence, for no other reason but to hide the English influence in our country. This is an artifice which has no foundation. I have often heard of French influence at home, but never could discover where it was; nor have I ever heard of the French Minister of State applauding "his friends in Congress." Where is this French influence to be found? Is it in the runners, with British guineas, from one end of the Union to the other? Sir, there is an old Spanish proverb, that a cover was never big enough to hide itself. The gentlemen are seen through much plainer than they imagine. The gentleman from Massachusetts is very careful to state that he means nothing personal. But when he says the will of the Executive is the law of this nation, is it not a direct reflection on the majority of this House, charging them with a want of independence to discharge their duty as the Representatives of a free people; and whatever gentlemen may say about the people in Massachusetts resisting the officers of Government, I believe no such thing—the people of that State will not commit any overt act against the Government of the United States.

Mr. Pitkin remarked, that the power given to a recruiting officer, to enlist minors, was a new principle. It had not been acted upon before, or since the Revolution—this is a new mode of raising an Army; were gentlemen prepared to adopt this new principle? Although by the resolves of the Congress of 1776, minors could be enlisted, yet apprentices were exempted—and if any were enlisted, yet, on proper application, they were discharged; unless it could be shown the enlistment was with the consent of their masters or guardians. By the law of '98, the President certainly could direct relative to the size and age of a recruit—yet to whom did he apply? Not to apprentices—not to wards;—and then if an officer enlisted an apprentice without the consent of his master, he could be taken away from him by the writ of *habeas corpus* and the officer held liable for damages. The eleventh section of the law for raising an additional military force contained a similar provision—and it was also necessary, the consent of the master or guardian should be in writing.

Mr. P. did not intend to meddle at all with the policy of war—he should confine himself to the consideration of the most important principle contained in the third section of the bill. The effect of this bill goes to infringe all the State laws. They all provide for the relations which exist between a master and his apprentice—a guardian and his ward; if the apprentice runs away, he can be procured and brought back, and some of the States provide, that when the apprentice comes again into the possession of his master, that he shall serve not only the time lost, but an extra time, to remunerate his master by these services, for the losses he has sustained. If you take away his apprentice you deprive him of his property—this is a loss to the master, or he must recover where the services are due; that is, of the parent or guardian, who are one of the contracting parties to the indentures—and where is the remedy? Will not the officer be also liable to the State laws? Does not the Constitution say, no laws shall be passed abrogating contracts? This bill will in its operation sanction the violation of contracts, or it means nothing—it sanctions the right to take away the property of guardians, parents or masters, without providing any compensation for the same. I repeat, you are introducing a new principle in the mode of administering Government. The pressure is also beyond comparison unequal on the Northern States. Do gentlemen plead the necessity of the case? Does a necessity exist superior to the laws? Are we to understand that the *salus populi* shall rule without control? If not, then what is meant by this grant to take the property of your constituents, and leave them no remedy for the injury? The honorable gentleman from South Carolina has referred to the practice of other nations. Great Britain herself never incorporated apprentices into her armies.

Mr. Williams admitted that apprentices were exempt—but minors were not.

Mr. Pitkin agreed, but even when minors are enlisted without the consent of their guardians or masters, they can be released by the writ of *habeas corpus.* I believe that, in 1756, Great Britain passed an act which was designed to extend to only the colonies; it allowed indented servants to be enlisted into the army—but this act made provision for the master, if the compensation was claimed within so many months after enlistment, and the necessary facts were proved before any two justices of the peace. Whether this act was ever carried into effect I do not know—but I do know that compensation was provided for the property taken from the master in the person of his servant.

I admit the word apprentice is not directly mentioned in the bill—and I cannot say positively that it is designed to extend to that class of our youth—perhaps not—but as its phraseology is unqualified, and doubts exist, and incalculable trouble may be the result, why not make the law clear and explicit? Is it possible that Congress can, or would seriously contemplate injury to private property? To remove all doubts on this subject and future trouble to the States and this House, the bill should be expressed with all possible clearness and precision. I shall vote for amending the bill by striking out the third section, and on the final question, shall vote against it altogether.

Mr. Troup.—If a stranger in the gallery had listened to the member from Massachusetts, he would have supposed that the provision of the bill against which the gentleman's anathemas were most vehemently levelled, authorized the recruiting sergeant to enter the house of the citizen, drag from it the young man, and transport

him, loaded with chains, (as is said to be the practice of one nation of Europe,) to the armies. Who would have supposed that the provision merely authorized the recruiting sergeant to accept the voluntary service of the young man, between eighteen and twenty-one? The service due to the country, prior in point of time, paramount in obligation, must yield, says the gentleman, to the service due to the master, the parent, or the guardian. If, sir, in the days of Rome's greatness, if in the proud days of Grecian glory, the man could have been found base and hardy enough to withhold the young men from the public service, to turn them from the path of honor, or to restrain them from the field of fame, he would have been hurled from the Tarpeian Rock or consigned to the Cave of Trophonius. The young man is preferred here, not because he is preferred in France, but because his physical constitution and his moral temperament peculiarly qualify him for the arduous duties of the field and camp; bodily vigor and activity, ardor, enterprise, impetuosity; without family, and therefore without the cares which family involve. No wife, no helpless children. Without care, but for his country. Without fear, but for her dishonor. He is most eminently qualified for the duties of the camp and the field; all experience has proved it. But the gentleman is not content with opposing himself to the patriotism of the young men; he is not less opposed to the increase of pay. Mr. T. thought, from the conduct of the House the other day, that the provision had been universally approved. He was the more surprised at the opposition of the gentleman, because it was this provision of the bill which went to eradicate that vice and immorality of the Army, which the gentleman affected so much to deplore. The increase of pay had two objects, the filling the ranks, and the general respectability of the Army. The recruiting service had suddenly stopped; it stopped only because all the men which were to be had for sixteen dollars bounty, and five dollars and one hundred and sixty acres of land, were already picked up; to get more, nothing could be done but to increase the pay; the quantum of increase was the only question. The difficulty of enlisting men was not peculiar to us; it was felt by every nation. Military wages bore no equitable proportion to the ordinary wages of the country. In the stronger and more despotic Governments of Europe force was resorted to; in the more mild and moderate, stratagem and fraud and trick. Who had not heard of the tricks of recruiting sergeants? Under our own Government, enlistments, to be lawful, must be fair and free and voluntary; hence, the only remedy left us was increase of pay. But the filling of the ranks was by no means the most important object. The increase of the general respectability of the Army was of infinitely more importance. The regular service had been brought into universal distepute in the country. The cause is obvious; it was the five dollars per month, and nothing else. There was nothing ignominious or disgraceful in the nature of the employment; on the contrary, it is honorable, it inspires honorable sentiments. Ask the farmer why he does not encourage his son to enlist in the service of his country? He answers at once, that he can make ten dollars a month on the farm; that if he has honesty and industry anybody will hire him for ten dollars. Can there be any doubt that, by increasing the pay, you will increase the numbers of the Army? not only so, in the exact proportion as you increase the pay, will you increase the respectability. It is self-evident. Suppose, instead of sixty dollars, or ninety dollars a year, you would agree to give them five thousand dollars, there is no doubt your ranks would soon be filled. You would have the silk-stocking gentry, (I do not know that the Army would be much better for that,) you would chance to have a few members of Congress, perhaps a Secretary of State, perhaps an ex-President; you would at least enlist honesty and industry. I say, sir, the increase of the respectability of the Army at this moment is of infinite importance. With every disposition to rely on the militia for defence and offence, we are not permitted to do so; the militia are withheld by some of the States. The gentleman and his friends have withheld the militia of Massachusetts; he would now withhold the regulars. Give character and respectability to the Army, and when in a spirit of jealousy or disaffection, or treason, the militia should be withheld, you are still independent; you are still a Government for all the objects of Government. If Massachusetts and Connecticut—but I forbear!

Mr. MACON said, it appeared the House was now in a situation in which it had frequently been heretofore; that is, they take up a very small subject and make a very great one of it. The only question for discussion appeared to him to be, whether or not they would enlist into the Army young men between the ages of eighteen and twenty-one. He was very sorry that, at this early period of the session, a discussion had been introduced into the House, which had at all times better be let alone, that of foreign influence. He did not mean to discuss it; but, if gentlemen were anxious for it, he was perfectly willing to set aside a day for the consideration of the subject, and go about it methodically. He regretted very much that the feature to which he had alluded had been inserted in the bill; because he had been in hopes that, on the question of raising the pay of the Army, they would, one and all, have manifested a disposition to support the rights of the country. In the hope that they would yet come to an agreement on the subject; that they could give some vote of unanimity in relation to the war, he should move for a recommitment of the bill, with a view to amend it by striking out the third section. It appeared to him that, until a man had acquired political rights, he ought not to be called on to defend his country. The gentleman from South Carolina says the principle of this section already exists in our militia laws. I admit it; and hence, I have always, when our militia laws have been under consideration, moved to strike out "eighteen" and insert "twenty-

one." I hope, if we do not take recruits under twenty-one, we will alter the militia laws also, and let the country rely for its defence on those who manage its concerns. He hoped the House would consent to recommit the bill, and, in some one vote, show something like unanimity.

Mr. RANDOLPH rose to speak at the same moment with Mr. MACON, who, however, being first seen by the SPEAKER, obtained the floor.

Mr. R. said that, he was extremely happy, as he did not notice his friend from North Carolina, at the time of his rising—in which case he should certainly have given way to him according to custom—that he had caught the Speaker's eye first. I was about to rise, said Mr. R., for the purpose of making a similar motion; and there are considerations on which it is unnecessary for me to dwell, and towards which I will not even hint, that render it at least as agreeable to me that the motion for recommitment should come from that respectable and weighty quarter, rather than from myself. I shall vote for it upon the same grounds which would have induced me ultimately to vote against the bill; because it contains provisions, I might say principles, unsusceptible of modification, and, in my judgment, hostile to all those principles which I have hitherto entertained, and to which it is impossible for me to give the sanction of my support. I shall not vote against the bill, for some of the reasons urged by the gentleman from Massachusetts on my right, (Mr. QUINCY,) with more of eloquence than temperance, and answered in a style not dissimilar by my worthy friend on my left, (Mr. WILLIAMS.) They both reminded me of a stroke of perhaps the only comic poet this country has produced:

"The more they injured their side,
The more argument they applied."

The gentleman from Massachusetts touched a chord, which, he ought to have known, was that which would insure the passage of this bill; which would excite a temper that would indispose the House to listen to the still small voice of conscience and of reason. I, sir, shall vote for the recommitment of this bill, and for reasons which I am almost ashamed to urge; which I hope to be excused for adducing. They have nothing to do with the question of impressment, of maritime war, of the invasion of Canada, of Indian warfare; but, sir, they are principles which, from length of time, I am sorry to say, have grown so obsolete, like some of the older statutes of those countries of more ancient date than ourselves, that, though I am not ashamed of them, I am almost ashamed to mention them—they are those professed by the Republican party in the year 1798, which I had the honor of attempting, at least, to support in those days—the principles, as reduced to record, of the present Chief Magistrate of our country in those days. In truth, it has been insinuated, if not asserted, with much more of candor than of logical address, that the principles of the bill are those of the former friends of the gentleman from Massachusetts on my left, from which, I suppose, that gentleman has, in some way or other, deserted. This goes to prove, as far as the authority of the gentleman from Vermont and of my worthy friend from South Carolina has influence, that a long course of opposition has instilled into the gentleman something of the principles which did not belong to his friends while in power; that he is a deserter from his party, and consequently that I have remained a faithful sentinel at my post. I did not expect to hear it said, sir, that this bill was not to be opposed because a similar bill had been passed in what used to be called the Reign of Terror. In other words, I did not expect to hear it stated that the principles of the Administration of the predecessor of Jefferson, which, I suppose, he would now be as ready to recant as any man in the nation, justified the bill; that it ought to be passed, because it was fashioned in conformity to such doctrines. It is now, sir, I think, some thirteen or fourteen years ago, since a similar question was agitated on the floor of this House, and it was my lot to be compelled to sustain the same side of the question which I sustain to-day—for I will not use the qualified term, *attempt* to sustain, against one of the proudest names in this country—against the man who now presides. I will not say with what splendor of abilities, at the head of the judicial department of our Government. The House will readily agree that, plain must have been that question which could have been supported with such unequal odds; that strong must have been that side of the argument against such an advocate. It was one of those occasions on which the gentleman who then presided in the House declared "he never witnessed a more unpromising debate:" it was so—for it was one of those which tended to put that gentleman and his friends into the situation which so many of them—I will not say all—for there are some illustrious examples to the contrary—into the situation which many of them have since occupied. It was an assertion of the great fundamental principles of our Government against arbitrary, high-toned courtly notions. The party then in power had been nearly as long in office as the party now in power, and looked at the question pending before them, with a very different eye, while they wielded the sceptre, than that with which they look at the question now, when the sceptre is applied to their backs. I am sorry to say that I fear that the converse of the proposition is, in a great degree, true, and that those principles which I then supported, and which were the ground of the revolution of political sentiment in 1801 which thereafter ensued, have fallen, as it were, in abeyance; that, in fact, we have forgotten our oracle.

I have said, on a former occasion, and if I were Philip, I would employ a man to say it every day, that the people of this country, if ever they lose their liberties, will do it by sacrificing some great principle of free government to temporary passion. There are certain great principles, which if they be not held inviolate at all seasons, our liberty is gone. If we give them up, it is perfectly immaterial what is the character of our

Sovereign; whether he be King or President, elective or hereditary—it is perfectly immaterial what is his character—we shall be slaves—it is not an elective government which will preserve us.

But I am afraid I have fallen somewhat into error, by wandering from the course I proposed. On the occasion to which I have alluded, I maintained that the provision of a bill then pending, similar to that I now object to, was arbitrary, unconstitutional, and unjust, because it was in the nature of an *ex post facto* law. It *is* of the nature of an *ex post facto* law—it is more—it tends to exalt the military authority over the civil—it is this or it is nothing. If the section pronounce an ambiguous voice, to be construed according to expediency, then is there so much greater reason to recommit the bill, to reduce it to some shape which shall render it intelligible to the meanest capacity. It goes to alter the nature of a remedy—to impair the obligation of a contract. A man has contracted a debt, and his creditors arrest him. He enlists. He enlists through the grates of a prison or within the limits of prison bounds. The contract between this man and the creditor is varied by the law, because the remedy of the creditor is changed. Let us not have a descant on the cruelty of imprisonment for debt, and the expediency of introducing other provisions on that subject. That is not the question. It is on a law for exempting a particular class of men from those penalties and provisions which attach to all other classes of society. The military of all classes in society, that class which we are about to exempt from the general provisions attaching to other classes, is that of which the people of this country have been led by all our writers, by all our authorities, to entertain the most watchful and justly founded jealousy. It is on principles somewhat analogous to these, or rather the same, much better enforced, that an opposition was maintained to a law, not dissimilar in its provisions from this, in the winter of 1799–1800.

In the fury and tempest of his passion, my friend from South Carolina seemed to overlook, what I thought he would be one of the last to forget, that we live in a limited Government, possessing restricted powers, which we cannot exceed. Has the Constitution, with the most jealous scrutiny, defined the privileges of a member of this House, not permitting us to define our own, and made our principal privilege an exemption from arrest; and do we clothe ourselves with the power of exempting from arrest, *ad libitum*, a whole class of society—of creating a privileged order? We are, indeed, a privileged order, but we are privileged by the Constitution. I ask the gentleman from South Carolina whence he derives the power of creating a privileged order, and, shall this assumption of power be attempted in favor of the military, of all other classes? In my opinion, sir, the section to which I have had reference is freighted with most fatal consequences. I will suppose a case. Suppose a man had a writ served upon him, and he afterwards enlists; that an escape warrant is taken out against him, and a contest ensues between the recruiting sergeant and the civil officer for this man, and, that the civil authority supports its officer by calling out the force at its disposal. What would be the upshot? What is it to lead to? I need not state the consequences. These principles, sir, were urged thirteen years ago; they are urged now, in the same place, and on the same occasion. I cannot consent, in deference to any gentlemen, however great their zeal, to admit that I merely urged them at that time, from party views, to put down one description of persons in order to get into their warm berths. I cannot consent to such an admission, and, therefore, cannot give my support to any bill which contains such provisions. I have said this will be an *ex post facto* law. It is so; it operates not only after the right has accrued to the creditor to sue out his writ, but after it is in a course of execution. Let me put another case. Suppose that Congress were to pass a law that every malefactor under the sentence of death, who enlisted in the Army, should not have the sentence of the law executed on his body. Have you not as good a right to do that as to pass this law? Would you consent to see a scuffle at the gallows between the civil authority and the military for the body of that wretch?

I will put another case, sir. A son, who is the only support of a widowed and aged mother, in some moment of hilarity, perhaps of intoxication, led astray by the phantom Glory, enlists in the Army of the United States. I speak of one who is a minor. Although I know that freemen of this country cannot be property in the sense in which a slave is property, yet, I do allow that the mother has a property in the time of that child; that he is under an obligation from which no human law can absolve him—an obligation imposed upon him by the maternal throes that issued him into life—by the nourishment drawn from the parent's breast—by the cherishing hand which fostered him through imbecility and infancy. You have not a right to take him—I hope then, sir, that no question will be made of your power.

I put another case, said Mr. R. Although an apprentice and a minor are not property in the sense in which a slave is property, there is a class of men, unluckily, in certain parts of our country (in Philadelphia, for instance—I mean that class called "redemptioners,") who were sold but yesterday in the markets of that city. Is the gentleman who represents that district (Mr. SEYBERT) willing that they shall absolve themselves from their contract by enlisting in the Army? If he is, I am. A redemptioner, sold in Philadelphia for a term of years, bought in the market as fairly as any other commodity—(I say fairly, because bought with his own consent, and as he believes, for his own advantage)—such a person, if tempted to enlist, will, unquestionably, prefer the pay and emolument of a soldier in your Army to his present situation. With regard to apprentices, I very much fear, sir, that those who enlist will, for the greater part, be of that description for whom their masters have advertised six cents reward, and forewarned all persons from

harboring them. I remember, when a small boy, to have seen a series of prints by Hogarth, called "The Progress of Industry and Idleness." The gradations were not more regular than natural. The one ends with wealth, honor, and an eligible matrimonial connexion with the daughter of his master, with whom he had been admitted into partnership; the other is brought up by the gibbet. Their names were Thomas Idle and William Goodchild. I believe, sir, that more of the Thomas Idles than of any other will enlist under this law, and I sincerely hope they will; for I very much fear that even William Goodchild, after he has gone through the discipline of a camp for five years, will be utterly unfit for any other species of employment. This is not all. There are other considerations, which I forbear to touch—which, I should have supposed, would have brought themselves home to the bosom of every gentleman in this House. Personal indisposition has prevented my attendance in this House, and I did not hear of this bill until last night. It was then mentioned to me by one who is fast in the old faith, and has often brought the House to a recollection of good old principles; and I did hope that they would this day have received more strenuous aid from that quarter than they have. I hope the House will refuse to pass the bill, if it were only to show that there is some one act of the Administration of 1799–1800, which the present possessors of power have not copied from their statute book. There remains only this, and the eight per cent. stock loan—and we are saved from the latter only by the infractions of that law, which we imperiously refused at the last session to repeal. It is the infractions of this law, which has poured money into our coffers, and saved us from the disgrace of an eight per cent. loan. There is another part of this bill which strikes me as being inexpedient; but, as I do not wish to blend considerations of expediency with those of great and vital principles, I shall waive anything on that head.

I am of opinion, when called into actual service of the United States, the militia ought to receive better pay than that allowed by law; because many of them are in such a situation that their families are dependent on their personal services for subsistence; and it is not possible that, at the present rate of pay, anything can be spared by the soldier for his family at home. In one respect, I think my worthy friend from North Carolina has indulged rather in curious speculations than sound practice, when he would refuse to avail himself of the services of a man because he has no participation in the Government. Would he also disfranchise those who had passed the period of liability to militia duty? I know he would not. But if there be truth in his position, that no man should be called to perform military duty who has no agency in the Government, it would follow that no man should have an agency in Government who is not called on by it to perform military duty.

Whether, as respects the regular Army, enlistments are to be procured more readily by an increase of pay or bounty, I leave to those more skilled in military affairs than myself to determine. But it strikes me that it is not by an increase of pay that you will obtain any addition to the number of recruits. Those who enlist in the Army do it not with a view to the pay, but to the bounty. Take away that, and I venture to say you may treble the pay and you will hardly get men to enlist. I am confident you would not if you doubled the pay. How far it is politic in a Government like that of the United States to cherish military establishments by high bounties, will properly be a subject of discussson when the bill is recommitted to a Committee of the whole House, as I trust it will be; but it always has appeared to me that if you wish to perpetuate any establishment—to rivet it on a nation—you ought to make it as "respectable" and lucrative as possible. What is the reason that any particular class or profession in society has held its ground against all opposition? It has been the respectability of the calling—the lucrativeness of it. If you could never get rid of the Army when it was neither lucrative nor respectable, do you expect ever to get rid of it when it is more lucrative and respectable—when the whole youth of the country is embodied in it, and there is scarcely a family in the country that has not an interest in keeping it up? My eyes were caught last night by a paragraph in a newspaper announcing he trial of a deserter. It was there stated that the practice had become so common as to endanger the safety of the nation. Will that practice be diminished by an increase of the pay of the soldiers? The man, who was condemned to death was one who had repeatedly enlisted, for the purpose, probably, of obtaining the bounty. When, in the Roman Republic—and we have been taught by my friend on the right to refer to them—the army became not only a part, but the whole of the constitution, was the army ever affected, in point of number or power, by the immense donatives, the vast increase of pay and bounty, given by the Emperors? From the moment you make the Army what I see gentlemen desirous of making it, the great lucrative and respectable profession of the country; when you thin the ranks of law and of medicine—and in that respect, perhaps, save human life, if not human blood—we have a new order of society, a new Constitution.

Mr. R. then adverted to the last section of the bill. He owned it was with some unpleasant feelings he saw this provision for commutation of service from a five years' enlistment to enlistment during the war. But it was highly possible that upon this as well as other topics, on which he had incidentally and very digressively touched, the House has heard objections and arguments similar to those he had used, and infinitely more worthy their attention.

Before he sat down, Mr. R. said he must be permitted to remark, that although he should not, as he intended, from the lateness of the hour of the day, go very far into the book of Chronicles, the Records of 1799—he must be permitted, and

the House would excuse him for it, to speak in reference to transactions of the last session, on the subject of Indian savages, who had been brought up in this day's debate. The House may not have troubled its recollection, said he, with the declaration on this subject at that day made by me, and which, however inconsiderately made, I still adhere to. The power of the Indian savages within the limits of the United States, with whom we were in any danger of coming into collision, was broken by the same arm which broke the fetters of British dominion. The Peace of Greenville, which followed Wayne's Indian war, put an end to all collision between us and those barbarians; and there never was, from that time up to the transaction at Tippecanoe, any interruption of our ascendency over them. When the present President of the United States came into power, Mr. R. said, he had announced the pacific disposition of the Indian tribes, who were generally linked together in the Message with the Barbarian Powers of Europe. This declaration of their pacific disposition had been reiterated in each Message until that of the last session, as Mr. R. proved by quotations which he read. In the Message at the opening of the preceding session, which Mr. R. denominated the penultimate session, their pacific disposition was distinctly stated. These continued declarations, he said, were conclusive on the subject of Indians and of Indian warfare.

In my desultory way, continued Mr. R., I will make another remark, as to the pay of soldiers. I had always understood that in an army it was the policy of the officers to keep the soldiery poor—I beg to be understood as speaking of regulars only—that as long as the men were flushed with money, they made by so much the worse soldiers—that their fitness and utility as soldiers was in the inverse proportion to the goodness of their finances.

With respect to the examples of ancient Commonwealths, it must be obvious to gentlemen much less well read in them than the gentleman from Georgia who has alluded to them, that there is no analogy in the cases he cited; that their Governments were anomalous, having no fixed principles, nothing that we should call civil or rational liberty—that they were ignorant of the liberty of conscience—that they had not representative Government. How then can there be any analogy between them and ourselves, who sit here under a specific and limited authority? None I believe can be pointed out.

It appears to me, sir, if this bill be not recommitted, and do not undergo alteration, it will endanger collisions of authority between the State and Federal Government. I would ask by what right can the Federal Government undertake to dispense with the law of a State in a case of contract between two citizens of the same State? I would ask, with deference and submission, whether the State courts will feel themselves bound by this law. In some States they may; but in a majority of the States I trust they will not. And, notwithstanding what the gentleman from South Carolina has said on the subject of the conduct of Massachusetts, it is a matter of notoriety that the opposition of Virginia and Kentucky did put an end to Mr. Adams's war. We took our stand, sir, and, on principles for which I have been attempting this day most feebly to contend, we triumphed. The patriotism and good sense of the American people ratified what we did. If you doubt it, look to the authority. At a session of the Virginia Legislature in 1799 certain resolutions were passed which produced nearly the same language on this floor in relation to her as we have to-day heard from the gentleman from South Carolina. They would not be dragooned into the measures of the then Administration. These resolutions of Virginia begat in other States intemperate resolves in favor of the war with France, and vituperative language respecting the conduct of Virginia and Kentucky. These resolves were, at the session of the Virginia Assembly ensuing, committed to a committee of which the present Chief Magistrate was chairman, and a report was draughted by him in support of the ground then taken in the States of Virginia and Kentucky. Mr. R. then quoted some of these resolutions, in which the Legislature deprecate the war with France as unnecessary, and recommend that, instead of expending money on needless armies and navies, the Government should husband the public resources, &c. So that, said Mr. R., according to the doctrines of that day, as laid down from an authority not less then respected by those out of power than now by those in power, the true policy of this country was—to do what? Not to raise volunteer or military corps, not to lavish your funds on regular armies, but "to husband the public resources." I shall, said Mr. R., in conclusion, go no farther, but content myself with having proved that I am an irreclaimable heretic—that I will not, for the sake of expediency, give up principles and opinions with which I came into public life—that if I am wrong now, it has been my misfortune to have been so for fourteen years—and at least for one period of my life, that I had the fortune of erring with Plato rather than being right with other people.

Mr. WILLIAMS said he stood reproved, but not corrected, by the gentleman who had just sat down. I was charged, sir, said Mr. W., with advocating an atrocious principle, and I throw back the aspersion on him who made it—I am much mistaken in the character of the gentleman from Virginia, if he would not have done the same with as much "fury" at least as I could. I stand then reproved, sir, but not corrected. I have advocated the provision of this bill most objected to, for three reasons; that it is sanctioned by the usage of other countries and of our own; that it is founded on the same principle which runs through all our laws, that the service of the citizen is due to the nation which protects him and in the Government of which he participates; and that it is particularly called for by the exigencies of the times. These reasons have not been met. Until they are rebutted, I must support it. On

this occasion, at least, it cannot be alleged that arguments addressed by members on the other side of the House have no effect on this; for no argument has been used in reply to those which have been advanced in its favor.

With respect to "dragooning" Massachusetts, sir, I feel no more disposition to do it than that gentleman; I believe he would shrink with as much intrinsic abhorrence from measures openly advocated in that country, as I would. Her leaders dare not tell the people that they refuse to grant their physical force to support the country's independence—to save it from British domination. The gentleman from Massachusetts did not say so. They writhe under the lash, but dare not defend their conduct. There is no point of contact between her and the Union—God forbid there should be!—but if there should be, I would be one that would teach her to know her duty. Is the opposition of Virginia in the days of terror, to be compared to that of the present rulers of Massachusetts? The opposition of the one was Constitutional—that of the other is not. Yes, sir, I do hope that the authority of the Union and of that State may never come in contact, that we may not be under the necessity of putting down the desperate measures of that State. Sir, when we are insulted, when we are "dragooned" for endeavoring to put our country in the armor the times call for, when an attempt is made to deprive us of the means of defence; I, for one, will not refrain from expressing my sentiments of such conduct and of the remedy for it.

Mr. BIGELOW rose, he said, not to enter into this discussion, but to express his regret that any remarks had been introduced into debate irrelative to the subject, and particularly in relation to the conduct of Massachusetts. He was sorry to hear the gentleman from South Carolina say that the Representatives from that State writhed under the lash, but dare not defend the conduct of their Executive. When the subject should come properly before the House, the gentleman would find them not loth to enter into debate and to defend the conduct of the authorities of the State in the case alluded to. He had risen, he said, for no other purpose but to give this intimation.

Mr. JOHNSON said, the gentleman from Virginia (Mr. RANDOLPH) had made it his duty to trouble the House with a few remarks. Mr. J. said the House would recollect that at the last session he advanced the position, and indeed had stated that there was satisfactory evidence to prove, that the Indian tribes hostile to the United States had been stimulated by British gold or British influence, or the local authorities in Canada acting under the sanction of the British Government, to take up arms against the people of this country, and to murder unarmed and defenceless individuals on our frontiers. The House will recollect that this fact was either denied or considered problematical by the gentleman from Virginia; who at the same time gave a pledge, that could he believe that such was the fact, he would not only vote for a declaration of war against Britain, but he would march himself with him (Mr. J.) to Canada, to take possession of that country: that on the present occasion the same fact was denied, and the same pledge renewed, and a Message from the President, of 1810, had been read to prove the friendly dispositions of the Indians and to deny the fact of their hostility. Mr. J. said, he asked the gentleman whether he denied the hostility of many tribes of Indians to the United States? Would he deny the fact that the savages were employed by General Brock at Detroit and at Queenstown? Would he deny that the savages were now in the employ of Great Britain in Canada, clothed, fed and paid? Would he deny what was admitted by official communications from British officers, and what was seen by our countrymen in arms? Would he deny that after the surrender of Detroit, Fort Wayne was attacked and invested by the same tribe of Indians that is now in British pay and British influence, and that two hundred British regulars and Canadians together with about one thousand savages had traversed a wilderness of one hundred and fifty miles from Malden until they reached within thirty miles of Fort Wayne, with cannon to aid in the attack upon that place; but who were fortunately driven away and compelled to retreat by the left wing of the Northwest army? Would he deny that the Indians fought against us, and by the side of British regulars, near Brownstown, where they were defeated by the valor of our troops? Would he deny that the same hostile savages had fallen upon our frontier after the surrender of Hull, committing their barbarities until checked by the forces from Kentucky and Ohio? Mr. J. said it was no longer a matter of opinion or belief, but a notorious positive fact—where then, he required, was the promise of co-operation? Where was the pledge that had been given—or was it supposed that the British were now justified in employing the savages to murder defenceless women and children, or to employ them in a contest between civilized nations? Mr. J. said he had not been unmindful of the pledge which had been given—he thought of it when he was in pursuit of the savages in company with brave and patriotic men. He should have been much gratified to have had the gentlemen from Virginia by his side, not only in the pursuit, but he would have been more gratified to have found the enemy.

Mr. J. said he did not feel disposed to pursue the gentleman from Virginia in other remarks which he had made. The gentleman had enumerated principles which, in his opinion, would at some period destroy the Republic. Mr. J. said the liberties of the people and the cause of the Republic would be much more likely in his opinion to be jeopardized if the gentleman was to succeed in his opposition to a war, which was not only just on our part, but one which could not be avoided.

The gentleman from Virginia had spoken of his own consistency and his standing at his post as a faithful sentinel; which was all admissible. But, not satisfied with this declaration, the Federal gentlemen were represented as having changed

from the high-toned measures and principles in the Reign of Terror and become advocates of independence and freedom—and that, of the Republicans in this House, the majority had abandoned their old Whig principles. Mr. J. observed, that if the day was not almost gone, and the patience of the House exhausted, he should feel it his duty to resort to the records, the Journal of the House, and examine the correctness of the ground which had been assumed, but not maintained, as to the consistency of gentlemen. For his part, (Mr. J. said) he should content himself with saying he believed the majority were supporting the great cause of the country, of independence and freedom, and that an opposite course had an opposite tendency.

The question was then taken on the motion to recommit the bill, and lost. For recommitment 42, against it 62.

The question was then taken that the said bill do pass; and resolved in the affirmative—yeas 64, nays 37, as follows:

YEAS—Willis Alston, jr., William Anderson, Ezekiel Bacon, Burwell Bassett, William Blackledge, Robert Brown, William Butler, John C. Calhoun, Francis Carr, Langdon Cheves, Matthew Clay, James Cochran, Lewis Condict, William Crawford, Richard Cutts, Roger Davis, John Dawson, Joseph Desha, Samuel Dinsmoor, Elias Earle, William Findley, James Fisk, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Bolling Hall, Obed Hall, John A. Harper, Aylett Hawes, John M. Hyneman, Richard M. Johnson, Joseph Kent, Abner Lacock, William Lowndes, Aaron Lyle, George C. Maxwell, William McCoy, Alexander McKim, Arunah Metcalf, Samuel L. Mitchill, James Morgan, Jeremiah Morrow, Hugh Nelson, Thomas Newton, James Pleasants, jun., Benjamin Pond, William M. Richardson, John Rhea, John Roane, Jonathan Roberts, Ebenezer Sage, Lemuel Sawyer, Adam Seybert, Samuel Shaw, John Smilie, George Smith, John Smith, William Strong, John Taliaferro, George M. Troup, Charles Turner, junior., David R. Williams, William Widgery, and Richard Winn.

NAYS—Abijah Bigelow, Adam Boyd, James Breckenridge, Elijah Brigham, Epaphroditus Champion, Martin Chittenden, Thomas B. Cooke, John Davenport, jr., William Ely, James Emott, Asa Fitch, Thos. R. Gold, Jacob Hufty, Richard Jackson, jun., Lyman Law, Joseph Lewis, jun., Nathaniel Macon, Archibald McBryde, James Milnor, Jonathan O. Moseley, Thos. Newbold, Joseph Pearson, Timothy Pitkin, jr., Elisha R. Potter, Josiah Quincy, John Randolph, William Reed, Henry M. Ridgely, William Rodman, Thomas Sammons, Richard Stanford, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Laban Wheaton, Leonard White, and Thomas Wilson.

MONDAY November 23.

Mr. NEWTON, from the Committee of Commerce and Manufactures, presented a bill to prohibit the use of licenses, or papers, issued under the authority of any foreign Government; which was read twice; and committed to a Committee of the Whole on Thursday next.

Mr. CHEVES, from the Committee of Ways and Means, presented a bill making an appropriation to defray expenses incurred, or to be incurred, under an act, entitled "An act to authorize a detachment from the militia of the United States," which was read twice, and committed to a Committee of the Whole to-day.

The House immediately resolved itself into a Committee of the Whole, on the said bill; which having been considered, and the blank for the appropriation having been filled with "one million of dollars," the bill was reported to the House and ordered to be engrossed for a third reading; and was subsequently read a third time and passed.

PROPOSED NEW STATE.

On motion of Mr. POINDEXTER, the House resolved itself into a Committee of the Whole, on the bill to authorize the people of Mississippi Territory to form a constitution and State government, and for the admission of the same into the Union.

Mr. RICHARDSON moved to strike out the first section of the bill.

This motion was supported by Mr. PITKIN, principally on the ground of the inexpediency, on general principle, of giving to a Territory embracing a population of only twenty or thirty thousand souls, a representation in the Senate equal to that possessed by other States, some of which contained a million of inhabitants. Another objection was, that the bill proposed to incorporate within a State the town and citadel of Mobile, now in possession of a foreign Power; and thus make it the duty of a State to expel from its territory a force which the President had not thought fit to remove.

The motion was opposed by Mr. POINDEXTER, who contended that the population of the Territory was much greater than was represented; and even if it were not what it is, that a precedent was to be found in the incorporation of Ohio and of Louisiana. He represented, in glowing terms, the anxiety of the people of the Territory to be enabled to bear their share of the expense as well as the dangers of the present war in support of our just rights; in which cause they had already employed twelve hundred militia, which the gentleman could not say of the populous State he represented; and, if that were not enough, they were ready to put a bayonet into the hands of every man in the Territory capable of bearing arms. As to the occupancy of Mobile by the Spaniards, it was not a valid objection; but if it were, he said he hoped it would soon be invalidated; he trusted that the spirit of the country would aid the disposition of the Executive to repel every foreign enemy from our territories.

The motion to strike out the first section was negatived, yeas 24.

After some amendment to the bill, the Committee rose and reported it to the House.

Mr. PITKIN renewed the motion to strike out the first section of the bill; which was negatived by a large majority.

The bill was then ordered to be engrossed for a third reading.

TUESDAY, November 24.

Mr. JENNINGS said he had a resolution which he wished to submit for the consideration of the House. He said he had just received information that the Indians had again made incursion upon the frontiers of the Indiana Territory, and had killed several persons. That almost the whole of the extensive frontier of that Territory had been left to the necessity of defending themselves against their inroads. That it was impossible for the frontier inhabitants to shield themselves from their secret and unforeseen attack, unless they neglected their ordinary avocations and bestowed their whole time exclusively to the purpose of defence.

He said that the frontier of that Territory, extensive as it was, had not enjoyed one hour of security and repose, from the protection of the one company of Mounted Rangers, which had been allotted for its defence, except in the neighborhood of Vincennes, and on the river Wabash. That the balance of the frontier, which, on account of the manner in which the Indian title had been extinguished, included a distance not less than two hundred miles, had been left to defend themselves, while every description of force under the authority of the United States, had been ordered to the northwestern extreme of the Territory, and even the militia from the former unprotected part of the frontiers, had been ordered to the same point, and the wives and children of some of them had been massacred in their absence.

Mr. J. then submitted the following resolution, which was adopted:

Resolved, That the committee on that part of the President's Message which relates to military affairs, be instructed to inquire into the expediency of authorizing the President of the United States to cause two additional companies of Mounted Rangers to be raised for the protection of the frontiers of the Territory of Indiana.

MICHIGAN TERRITORY.

Mr. POINDEXTER offered the following resolution for consideration:

Resolved, That a committee be appointed to inquire into the expediency of repealing the act entitled "An act to divide the Indiana Territory into two separate governments," passed on the 11th day of January, 1805," and of providing more effectually for the government of Michigan Territory; and that the committee have leave to report thereon by bill, or otherwise.

Mr. P. said that the object he had in view in moving this resolution, was to get rid of the salaries of the officers of that Territory. Since the surrender of Detroit their functions had ceased; yet they continued to receive their salaries, whilst one of them is a British prisoner and another has accepted a commission under the British authority. He wished to reorganize the government, and enable the proper authority to appoint other officers, and such perhaps as would administer the government of the Territory better than heretofore.

Mr. RHEA had no objection to this resolution, he said, so far as it went to affect the officers; but to a repeal of the law *in toto* he had a strong objection. He thought it would be construed to express an idea that some sort of relinquishment had taken place by the United States, in consequence of the temporary occupation of that Territory by a foreign Power.

Mr. POINDEXTER modified his resolution so as to read "repealing or modifying" the act, &c.

Mr. JENNINGS (delegate from Indiana) wished to ascertain the particular object of the resolution.

Mr. POINDEXTER stated that his object was merely to wipe off the present roll of officers of that Territory, and appoint others made of more sterling stuff. They were at present rather in a deranged state, it seemed to him; one of them prisoner to the British, and the other having accepted an appointment of Secretary of State, or something of that kind, from them. He had no idea, he said, of re-attaching Michigan to Indiana by repealing the law.

Mr. JENNINGS appeared to acquiesce in the motion, since it was not intended to re-unite the Territories.

Mr. RHEA moved to strike out of the resolution the words "repealing or."—Motion negatived.

Mr. RHEA moved that it lie on the table—Negatived.

Mr. STANFORD objected to the resolution, as going to provide further for the government of a Territory not in fact in our possession. He moved to postpone the resolution to Thursday.—Motion lost.

The question was then taken on the resolution, and decided in the affirmative by a large majority.

Mr. POINDEXTER, Mr. MORROW, Mr. WILSON, Mr. HYNEMAN, and Mr. COOKE, were appointed the committee.

MISSISSIPPI TERRITORY.

An engrossed bill to enable the people of the Mississippi Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, was read the third time; and, on the question that the same do pass, it passed in the affirmative—yeas 63, nays 39, as follows:

YEAS—Willis Alston, jr., William Anderson, Daniel Avery, David Bard, Burwell Bassett, Robert Brown, William Butler, Matthew Clay, James Cochran, Lewis Condict, William Crawford, Roger Davis, John Dawson, Joseph Desha, Samuel Dinsmoor, Elias Earle, William Findley, James Fisk, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, Aylett Hawes, John M. Hyneman, Richard M. Johnson, Joseph Kent, William R. King, Peter Little, William Lowndes, Aaron Lyle, Nathaniel Macon, Thomas Moore, William McCoy, Samuel McKee, Alexander McKim, Arunah Metcalf, James Morgan, Jeremiah Morrow, Hugh Nelson, Anthony New, Thomas Newbold, Thomas Newton, Stephen Ormsby, Israel Pickens, James Pleasants, jr., Benjamin Pond, John Roane, Jonathan Roberts, Ebenezer Sage, Lemuel Sawyer, Ebenezer Seaver, John Smilie, George Smith, John Smith, Richard Stanford, John Taliaferro, George M. Troup, Robert Whitehill, Thomas Wilson, and Richard Winn.

NAVY—Ezekiel Bacon, Abijah Bigelow, Harmanus Bleecker, Adam Boyd, James Breckenridge, Elijah Brigham, Francis Carr, Epaphroditus Champion, Martin Chittenden, Thomas B. Cooke, John Davenport, jr., William Ely, James Emott, Asa Fitch, Thomas R. Gold, Jacob Hufty, Richard Jackson, jr., Lyman Law, Joseph Lewis, jr., George C. Maxwell, James Milnor, Jonathan O. Moseley, Joseph Pearson, Timothy Pitkin, jr., Elisha R. Potter, William Reed, William M. Richardson, William Rodman, Thomas Sammons, Adam Seybert, Philip Stuart, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Uri Tracy, Charles Turner, jr., Pierre Van Cortlandt, jr., Laban Wheaton, and Leonard White.

WEDNESDAY, November 25.

Mr. GHOLSON, from the Committee of Claims, presented a bill for the relief of Jared Shattuck; which was read twice, and committed to a Committee of the Whole on Monday next.

Mr. LEWIS, from the Committee for the District of Columbia, presented a bill making an appropriation for building a jail in the county of Alexandria, in the District of Columbia, and for other purposes; which was read twice, and committed to a Committee of the Whole to-morrow.

Mr. LEWIS also reported a bill to incorporate an insurance company against fire in Alexandria, in the District of Columbia; which was twice read, and committed.

Ordered, That the committee appointed on that part of the President's Message which relates to naval affairs, have leave to report a bill for an increase of the Navy; and that the same committee have leave, also, to report a bill relating to Navy pensions.

CONSTITUTION AND GUERRIERE.

Mr. BASSETT communicated to the House the following documents:

NAVY DEPARTMENT, *Nov.* 21, 1812.

SIR: In order to enable the committee to form a satisfactory opinion as to the compensation to be provided for the officers and crew of the frigate Constitution, for the capture and subsequent destruction of the British frigate the Guerriere, I have the honor to state to you that the Constitution rated 44, and mounted 55 guns; that the Guerriere rated 38, and mounted 54 guns. The Guerriere, although entirely dismasted, and in other respects much crippled, could have been brought into port, without incurring any other risk than that of recapture; but Captain Hull conceived that, if he had manned the Guerriere, for the purpose of sending her into port, he would have so far reduced the crew of the Constitution that he might have subjected both vessels to capture. He presumed that, under all circumstances, it would be better for him to destroy the Guerriere, and preserve the force of the Constitution unimpaired, and his having done so unquestionably proceeded from the most patriotic considerations.

The Guerriere was a frigate of the first class in the British navy; and, no doubt, when the engagement between the Constitution and her commenced, she was completely fitted in all respects for the most serious service. The cost of such a ship, independently of her stores, could not have been less than two hundred thousand dollars, and her stores were worth, in all probability, fifty thousand dollars at least; besides, she had on board a number of prize goods, the value of which cannot be ascertained; but was probably equal to fifty thousand dollars more. So that the whole value of the Guerriere, her stores and prize goods, at the time the action commenced, may fairly be estimated at three hundred thousand dollars.

Had Captain Hull have incurred the risk before mentioned, and succeeded in getting the Guerriere into port, the officers and crew of the Constitution, considering the Guerriere as her equal, would have been entitled to the whole of the Guerriere, her stores and prize goods. Sooner, however, than run the risk of losing the Constitution, he determined to destroy the whole. The question then arises, what, under these circumstances, ought the officers and crew to be allowed? For my own part, I have no hesitation in giving it as my opinion that the sum of one hundred thousand dollars would not be too liberal a provision, or too great an encouragement for the great gallantry, skill, and sacrifice of interest, displayed on this occasion; and I am persuaded that, if such a provision were made, the difficulties of manning our frigates, at present experienced, would vanish.

It may further be remarked, that Captain Hull, while on the cruise on which he captured and destroyed the Guerriere, burnt two enemy's vessels, viz: the brig Lady Warren and the brig Adeora, and obliged the enemy to burn the brig Dolphin, with a cargo of hemp and Russia goods, and to abandon an English barque laden with timber: for no part of which have the officers or crew of the Constitution received any compensation.

I have the honor to be, with great respect, sir, your obedient servant,

PAUL HAMILTON.

Hon. B. BASSETT.

WASHINGTON, *Nov.* 23, 1812.

SIR: In compliance with your request I have the honor to state to you that my opinion, as to the value of the Guerriere, at the time the action between her and the Constitution commenced, is, that, exclusively of her stores and prize goods, she was probably worth two hundred thousand dollars; and my impression is, that her stores and prize goods must have been worth one hundred thousand dollars.

I am informed that, independently of their stores, the frigate President cost two hundred and twenty thousand dollars; that the Chesapeake cost two hundred and twenty thousand dollars; and that the Congress cost one hundred and ninety-seven thousand dollars. These vessels were certainly built on good terms; and it is from their cost that I form my idea as to the probable value of the Guerriere; and my impression as to the value of her stores and prize goods is derived from personal observation and information obtained on the occasion from different persons.

I have the honor to be, very respectfully, sir, your obedient servant,

ISAAC HULL.

Hon. BURWELL BASSETT, *Chairman, &c.*

MERCHANTS' BONDS.

Mr. CHEVES, from the Committee of Ways and Means, made the following report:

The Committee of Ways and Means, to whom was referred so much of the President's Message of the

4th instant as relates to the late importations of British manufactures; also, the petitions of sundry merchants (enumerated in the report) report, that they have bestowed on the subject a degree of attention proportioned to its importance; that they have, in the present investigation, confined themselves to the cases of importations directly from the United Kingdom of Great Britain and Ireland, and that the result of their examination and inquiries will be found:

1st. In a correspondence with the Secretary of the Treasury.

2d. In a detailed examination of committees of merchants from Boston, New York, Philadelphia, and Baltimore, and some accompanying documents.

3d. In a statement made by Mr. Russell, late Chargé des Affaires of the United States at the Court of London, who, at the request of the committee, was so obliging as to attend them and give this statement.

That, on a view of the whole subject, the committee are of opinion, that the Secretary of the Treasury has full power to remit or mitigate the penalties and forfeitures incurred, should an interposition in either way be called for by the circumstances of the case; they, therefore, recommend that it be

Resolved, That it is inexpedient to legislate upon the subject, and that the petition, with the accompanying documents, be referred to the Secretary of the Treasury.

The said report was read, referred to a Committee of the Whole, and made the order of the day for Monday next.

MEDALS AND PRIZE MONEY.

On motion of Mr. Bassett, the House resolved itself into a Committee of the Whole, on the report of the Naval Committee on the proposed vote of a gold medal to Captain Isaac Hull, late commander of the frigate Constitution, and silver medals to the other officers, and a sum of —— thousand dollars, to be distributed as prize-money among the officers and crew, as an expression of the sense entertained by this House of their bravery and conduct in attacking and vanquishing the British frigate Guerriere.

Mr. Bassett spoke in support of the resolution. He stated the magnitude of the achievement; the amount of value of the capture; and assigned many reasons particularly in favor of the donation to the officers and crew, on whom collectively he proposed to bestow the sum of $100,000, and made a motion to that effect. He said the prize money arising from the capture, had not the public service required the destruction of the Guerriere, would have amounted to much more; and the merits of those concerned in the capture entitled them to this remuneration. He dilated on the present low price of wages on board our public ships, and adverted to the seaman's hardships and the seaman's risk, &c.

The question on filling up the blank with "one hundred thousand dollars," was then taken, and decided in the affirmative—50 to 37.

The Committee rose and reported their agreement to the resolution.

Mr. M'Kee stated that his mind was not made up on this subject; that some documents had been read, which on perusal might affect his decision. He wished them printed; he desired time also to consult the Constitution as to the power of the House to vote away money in this manner. He, therefore, moved that the resolution lie on the table.

Mr. Bassett seconded the motion; the resolution was ordered to lie on the table.

DISTRICT JUDGES.

On motion of Mr. Poindexter, the House resolved itself into a Committee of the Whole on the bill concerning the judges of the district and territorial courts of the United States.

The bill makes it incumbent on the judges to reside within their respective districts; and makes it unlawful for them to exercise the profession or employment of counsel or attorney.

Mr. Stanford was opposed to the latter provision. The compensations of the judges of the district courts were so limited (and the House had within a day or two refused an augmentation of them) that they were compelled to resort to other means of subsistence than their salaries. This provision would deprive them of the means of support. He moved to amend it so as to limit the preclusion to the courts of the United States, not affecting the practice in the State courts.

Mr. Poindexter replied that the duties of advocate and judge were incompatible; and if they were not, that it was beneath the dignity of a judge to descend to practice in the courts.

Mr. Stanford's motion was negatived.

An amendment was moved by Mr. Poindexter, making territorial judges impeachable before the Legislatures of the several territories; and declaring that, on conviction of the offences created by this act, they shall be removed from office by the President of the United States.

This proposition was opposed by Messrs. Gold, Stanford, and Rhea, and supported by Mr. Poindexter. It was negatived by a large majority.

Mr. Jennings moved a new section to the bill, going to prevent any judge of any territory from holding at the same time any other office of profit or emolument not derived from the President and Senate of the United States.

This amendment was opposed by Mr. Rhea, and supported by Mr. Jennings, and agreed to, 43 to 35.

Mr. Jennings moved another section, disqualifying any person holding an office under the Government of the United States or from the Governor of said Territory, from eligibility to office as delegate in Congress of the United States.—Adopted, yeas 57.

The Committee rose and reported the bill, and the amendment having been ratified by the vote of the House, the bill was ordered to be engrossed for a third reading, yeas 50.

Friday, November 27.

A new member, to wit: from Georgia, William Barnett, returned to serve as a member of this House, in the place of Howell Cobb, resigned, appeared, was qualified, and took his seat.

An engrossed bill concerning the District and Territorial Judges of the United States, was read the third time, and recommitted to a select committee. Mr. POINDEXTER, Mr. ORMSBY, Mr. PICKENS, Mr. TALIAFERRO, and Mr. STRONG, were appointed the committee.

On motion of Mr. McKEE,

Ordered, That the report of the Commissioners of the Eastern District of the Territory of Orleans, on the claims to lands in said district, which they have not confirmed, laid before the House on the 9th of January, 1812, be referred to the Committee on Public Lands.

Mr. BASSETT, from the committee appointed on that part of the President's Message which relates to naval affairs, made a report, in part, on the expediency of increasing the Naval Establishment of the United States; which was read.

Mr. BASSETT, from the same committee, also reported a bill providing navy pensions, in certain cases; which was read twice, and committed to a Committee of the Whole on Monday next.

Mr. BASSETT, from the same committee, presented a bill to increase the Navy of the United States; which was read twice, and committed to a Committee of the Whole on Monday next.

INCREASE OF THE NAVY.

The following is the report which accompanied the bill for increasing the Navy:

That, in performance of the duty assigned them, the committee could not fail to advert to the report made at the last session of Congress on this subject. Having adverted to it, they could not fail, from the justness of its reasoning, to rely on it, and pray that it may be taken as part of their report. The little experience as yet afforded us in naval warfare, corroborates the principles there contended for, and in this view they think themselves supported by that passage in the President's Message which says: "Our trade, with little exception, has reached our ports; having been much favored in it by the course pursued by a squadron of our frigates under the command of Commodore Rodgers."

They therefore concurred in the opinion, that it is proper to increase the Naval Establishment. For information as to the mode of increase, they applied to the Navy Department, and obtained the documents which they submit to the House. The comparative effect of vessels of different rates must be considered as demonstrated by these documents. Yet were your committee apprized, that in the complicated system of naval warfare no one principle could be relied on as applicable to all times and all occasions, but that a patient comparison of many principles was necessary to a just conclusion. They were apprized that facility of movement should be combined with efficiency of force. Nor were they regardless of the benefit of occasional division. Inasmuch, however, as great gain will sometimes follow from the power to operate on many points at once, yet at others it may be all-important to give unity to your force. To obtain the three things desired, it is essential your Naval Establishment comprise ships of different rates. It is evident, too, from the documents, that you economise in men and money, by providing some of the larger ships. This conclusion, so well fortified by reason, is found in unison with the practice of all nations who have had the fiscal and other means of procuring a navy. Indeed it would seem almost the spontaneous effect of instinct, without the aid of reason, to oppose like with like. To yield the advantage of the sabre, the bayonet, or fire arms, to your enemy, would by all men be deemed miserable policy. Can reason change with the element? Let us then have for defence 76, 38, and 16-gun ships; because we are opposed to an enemy possessing all these means of attack, and because they combine all advantages in naval warfare. It is not the intention of your committee to put aside the gunboats; but they believe that, considering the opportunity afforded them for action, that an ample portion of that species of force has been provided. Your committee cannot conclude their report without bringing to the view of the House the fact, that the naval superiority of Great Britain, which secures her integrity and supports her dignity, is maintained at a cost much below the Military Establishments of the Continent. And it is with something like exultation, as republicans, that they present a species of national force that, whilst it will best subserve the national defence, can operate least on the national liberty. It is a bright attribute in the history of the tar, that he has never destroyed the rights of the nation. In its defence only is he to be found. Thus, aided by economy and fortified by republican principle, your committee think they ought strongly to recommend that the fostering care of the nation be extended to the Naval Establishment. It is far, very far, from your committee, to extend their views of a navy to the mad and wicked prospect of foreign conquest, or a silly contest to be mistress of the ocean. Their view is limited to their own defence, and to enforce respect to their just rights. To the objection that it is the nature of man to run into extremes, they answer, that it is the end, not the beginning, we should guard against. It is surely yielding much of the argument to surrender all of the subject that is good, and require submission to evil that good may come thereof. Rather separate the wheat from the chaff, show the good and the bad. Let it be impressed on every citizen, that to use force to protect and maintain the rights and liberties of his country was his first duty; whilst it is the greatest of crimes to attack with force the rights of others.

It can require no subtlety to enforce the distinction between defence and offence. Neither can it require argument to prove, that the first ought not to be abandoned as being more than life's worth, though the other may be deprecated as the consummation of wickedness. Limited to the view of defence and protection, the committee directed their chairman to ask leave of the House to report a bill to increase the Navy of the United States.

Documents.

NAVY DEPARTMENT, Nov. 13, 1812.

SIR: I have the honor of transmitting herewith, for the information of the committee of the House of Representatives, of which you are the chairman, certain papers marked A, B, C, and D.

From the paper A, it appears that a seventy-six gun ship mounting eighty-eight guns, discharges in one round 3,176 lbs. of cannon ball; that a forty-four gun frigate, mounting fifty-four guns, discharges in one round 1,488 lbs. of cannon ball; that a seventy-six discharges at one broadside 1,588 lbs., and that a forty-four gun frigate discharges at one broadside 744 lbs

of ball. The question then arises, what is the intrinsic relative force of a seventy-six and a forty-four?

Suppose two forty-four gun frigate should be brought into combat with a seventy-six, one on the larboard, the other on the starboard quarter; each frigate, presenting a broadside of 744 lbs. of ball, will have to contend against a battery of 1,588 lbs. As 744 lbs. is to 1,588 lbs. so would be the relative metal of a seventy-six and two large forty-four gun frigates; difference against the frigates 844 lbs. weight of metal. It is obvious, then, that two forty-four gun frigates could not contend with a seventy-six with the least probability of success.

Suppose a third frigate, attacking alternately on the starboard and larboard quarter, should join in the combat, while two of the frigates should be operating on one quarter, with a difference in weight of metal against them of 100 lbs.; the third frigate would be contending on the other, with a difference against her of 844 lbs.

It might be observed that the frigates would all attack on one quarter, and then with 2,232 lbs. of metal they would have to contend with only 1,588 lbs. having a difference in their favor of 644 lbs. In reply it may be observed, that three frigates could not take such a position, on any one quarter, as would enable them to bring all their broadsides to bear at once upon an object moving through the water with as much celerity as themselves: moreover, a frigate would always avoid the broadside of a seventy-six—for one well directed broadside from a seventy-six, at close shot, would inevitably blow her out of the water. Witness the Randolph with the Yarmouth. Frigates would attack in various directions, change their position frequently, and avoid the tremendous battery of a seventy-six as much as possible.

Besides, a seventy-six is built of heavier timber, is intrinsically much stronger than a frigate, in all her works, and can sustain battering much longer and with less injury. A shot which would sink a frigate might be received by a seventy-six with but little injury—it might pass between wind and water through a frigate, when it would stick in the frame of a seventy six.

All things considered, it must be admitted that one seventy-six gun ship, mounting eighty-six, is equal in combat to three frigates mounting one hundred and sixty-two guns. Admitting this equality, other questions present themselves for consideration: and,

1st. What is the relative expense of building and equipping these vessels?

2d. What is the relative number of their crews?

3d. What is their relative annual expense in actual service?

To ascertain the expense of building and equipping a frigate, we will take the actual cost of one of our largest, viz: the President, which was $220,910; a frigate would then cost - $220,910

The cost of a seventy-six cannot be so easily ascertained; however, from the papers B and C, we may, I think, estimate the expense of building and equipping a seventy-four at not exceeding - 333,000

The construction, then, of a force in frigates equal in combat to a seventy-six gun ship, would cost - 662,730

Making, in this view, a difference in favor of the seventy-six, of - 339,730

As, then, $333,000 is to $661,730, so would be the relative expense of building and equipping a seventy-six, and a force in frigates equal to a seventy-six, making a difference, in favor of the seventy-six of - $329,730

By the paper A, it appears that a seventy-six requires, to man her, six hundred and fifty men, and that a forty-four requires four hundred and twenty. To man three forty-four gun frigates, or a force in frigates equal to a seventy-six, would then require twelve hundred and sixty men; and in this respect we find a difference in favor of the seventy-six of six hundred and ten men; that is, six hundred and fifty men on board of a seventy-six can direct as much force as twelve hundred and sixty can on board of three frigates.

As to the relative expense, we have heretofore estimated the annual cost of a frigate of forty-four guns, at $110,000; and, from the best information we can obtain upon the subject, the annual expense of a seventy-six will not exceed $202,110.

The annual expense then of three frigates, or a force in frigates equal to a seventy-six, would be $330,000; while a seventy-six would not cost exceeding $202,110; making, in this respect, a difference in favor of the seventy-six of $127,890 annually.

In examining the relative strength of frigates and ships of war, and of ships of war and gunboats, we shall find similar results in favor of the larger class of vessels.

Hence, if the only object in view was to employ the greatest intrinsic naval force, at the least expense, I should think there would be no difficulty in deciding that we ought to have none but ships of the greatest magnitude. But in providing a naval armament there are other considerations of the highest importance. We should inquire, what kind of force will, most probly, be brought against us; with what description of force can we meet the enemy, with the greatest probability of success, and afford the most effectual protection to our commerce; and upon these highly interesting points, I will take the liberty of submitting a very valuable communication (D) received from Charles Stewart, Esq., a captain in the Navy of the United States—an officer of great observation, distinguished talents, and very extensive professional experience—observing, that I believe all the most enlightened officers in our service concur in the opinions he has expressed.

I have the honor to be, with great respect, sir, your most obedient servant,

PAUL HAMILTON.

Hon. Burwell Bassett,
Chairman of Naval Committee, H. R.

B.

Estimate of the expense of building and equipping a seventy-four gun ship of 1,626 *tons, prepared some years since by Joshua Humphreys, Esq., of Philadelphia a shipwright of great respectability and professional talents.*

Live oak timber	$40,000
White oak and pine ditto	30,000
Labor	85,100
Cables, rigging, &c.	32,400
Smith's work	30,400
Anchors, marline	8,700
Sailmaker's bills, two suits, including canvass	16,200
Joiner's bill, including stuff	7,800
Carver's bill	1,620

Tanner's ditto	700
Rigger's do.	2,240
Painter's do.	3,240
Cooper's do.	4,860
Blockmaker's do.	3,240
Boatbuilder's do.	1,620
Plumber's do.	2,430
Ship chandlery	9,720
Turner's bill	1,215
Copper bolts	10,960
Sheathing copper, nails, &c.	17,440
Woollens for sheathing	1,215
	311,100
Contingencies	31,600
	$342,700

Notes by an experienced gentleman:

"*Labor.*"—This item was calculated at a time when ship carpenter's wages were $2.50 per day; they can now be obtained at $2.

"*Cables and Rigging.*"—When the above estimate was made the price was $16; they can now be obtained at $15.

"*Carver's bill.*"—Expensive carving on the head and stern is abolished; $1,000 may be deducted from this item.

"*Rigger's bill.*"—We employ seamen at twelve dollars per month; this item may be considerably reduced.

"*Painter's bill.*"—The present practice of painting our ships of war differs so much from that first adopted, both in point of labor and colors, that one third of this item may be safely deducted.

"*Woollen for sheathing.*"—Now exploded; experience having established the fact that it occasions an absorption and retention of salt water, which corrodes the copper inside, &c., nor could the copper be laid on so smooth as without it.

"*Contingencies.*"—At the time the above estimate was made, we had no yards, of course wharfage or rent of yard was then included, and we do not now, as then, give such quantities of rum to laborers; this item may be reduced one half.

C.

Estimate of the expense of building and equipping a 76 gun ship, formed from the actual expense of building and equipping the frigate President.

The President, of 1,444 tons, cost	$220,910
say per ton $153, a 76 would ton 1,620, 1,620 tons, at $153	$247,860
Add for additional guns and gun carriages	18,599
Additional cubic feet of timber in the frame about 4,000 feet, at $1 25	5,000
For additional weight of rigging, anchors, and other materials, add ten per cent. on the cost of the tonnage, $247,860, at ten per cent.	24,786
	$296,245

Say three hundred thousand dollars

D.

U. S. FRIGATE CONSTELLATION,
November 12, 1812.

SIR: I have received your letter of the 11th instant in which you state "the desire of the Naval Committee to possess the most comprehensive information upon naval subjects, particularly the description of marine force best adapted to our defence, and the relative efficiency of vessels of different rates." In compliance therewith, I have the honor to answer the questions you propound as follows:

Question 1. What, in your opinion, is the relative efficiency of our ships-of-the-line, say 74's, and large frigates?

Answer. The relative efficiency or force of a 74-gun ship and large frigates is as one to three.

COMPARATIVE FORCE.

Frigate of 50 guns.

Gun-deck,	30	24	pounders,
Quarter-deck	14	32	lb. carronades,
Forecastle	6	32	do. do.
Guns	50	1,360 lbs. shot each round.	
Men	430		
	480	guns and men.	

Ship-of-the-Line, 74 guns.

Lower gun-deck	28	42	pounders,
Upper do. do.	30	24	do.
Quarter-deck	16	42	do. carronades,
Forecastle	8	42	do. do.
Do.	2	24	do. do.
Poop	4	68	do. do.
Guns	88	3,224 lbs. each round.	
Men	650		
	738	guns and men.	

Argument. By the above comparison it appears, that a 74 gun ship discharges at one round 3,224 lbs. of shot, and a frigate of the first class 1,360 lbs; it therefore clearly proves the position or relative force, in point of metal, to be 1 to 3, or thereabouts. When this circumstance is considered jointly with the following, it must appear to others, as it does to me, that as you increase the class of the ship you increase the force in the proportion of one to three, and diminish proportionally the expense of building, equipping, and supporting them in commission, which may easily be established by estimate from the department, and the experience of all other maritime nations.

Ships-of-the-line are much stronger in scantling, thicker in the sides and bottom, less penetrable to the shot, and consequently less liable to be torn or battered to pieces, or sunk; the additional room being more than in proportion to the additional number of men, leaves greater space for water and provisions, and admits of her wings being kept clear, that shot penetrating below the water the holes can readily be plugged up from the inside and her sinking thereby prevented; hence we have seen ships-of-the-line capable of battering one another for several hours, and if not too much crippled in the spars and rigging enabled to renew an action on following days. I am aware that some are of opinion, that a more divided force is better calculated for action, from the advantageous position that would be given to a part; suppose three frigates of 50 guns were to undertake to batter a 74 gun ship, and that two of them were to occupy the quarter and stern of the 74, (this is placing them in the most favorable position,) the other frigate engaged abreast, everything would then depend on the time the frigate abreast could maintain that position to enable the other two to act with effect on the stern and quarter. But it must appear evident to all acquainted with the two

classes of ships, that the frigate abreast could not withstand the fire of so heavy and compact a battery many minutes; and in all probability would be dismasted or sunk the first or second broadside. This would decide the fate of the other two. Much might be said upon the superiority of ships-of-the-line over frigates in the attack of batteries or their defence; on the security of valuable convoys of merchant ships, or troops sent on an expedition; but their advantages in these respects must be apparent to all, however unacquainted with nautical affairs.

Question 2. What, in your opinion, is the relative efficiency or force of large frigates and sloops of war?

Answer. The relative efficiency of large frigates and sloops of war is at least one to two.

COMPARATIVE FORCE.

Sloop of War.

Gun-deck, 16 12-pounders
Quarter-deck, 8 24-pounders, carronade.
Forecastle, 4 24-pounders, carronade.
Twenty-eight guns, 480 lbs. shot, and 180 men—making 208 guns and men.

Frigate.

Gun-deck, 30 24-pounders,
Quarter-deck, 14 32-pounders, carronade.
Forecastle, 6 32-pounders, carronade.
Fifty guns, 1,360 lbs. shot, and 430 men—making 480 guns and men.

Question 3. What description of naval force do you think best adapted to the defence of our coast and commerce?

Answer. Ships-of-the-line are best calculated for the defence of our coast, and for the protection of our inward and outward commerce, when engaged in war with a foreign maritime Power.

Argument. It cannot be supposed, in a war with a foreign maritime Power, that that Power will only send to our coasts frigates and smaller cruisers, because we possess no other description of vessels. Their first object will be to restrain, by ships-of-the-line, our frigates and other cruisers from departing and preying upon their commerce; their next object will be to send their smaller cruisers in pursuit of our commerce, and by having their ships-of-the-line parading on our coast, threatening our more exposed seaport towns, and preventing the departure of our small cruisers, they will be capturing what commerce may have escaped theirs, and recapturing what prizes may have fallen into our hands. Thirdly, they can, at any time, withdraw their ships-of-the-line, should a more important object require it, without hazarding much on their part; and return in sufficient time to shut out our cruisers that may have departed during their absence. Fourthly, they can, at all times, consult their convenience in point of time and numbers; and will incur no expense and risk of transports, for provisions and water; but can go and procure their supplies at pleasure and return to their station ere their absence is known to us.

Question 4. What description of force do you think best calculated to prosecute the present war, and any future war in which we may be engaged?

Answer. For the prosecution of the present war with the most effect, a mixed naval force of the following description, is, in my opinion, the best calculated.

Ships-of-the-line, to rate, in honor of the year of our Independence, seventy-sixes, to mount as follows:

28 42 pounders on the lower gun-deck,
30 24 pounders on the upper gun-deck,
24 42 pound carronades on quarter-deck and forecastle.
2 24 pounders on forecastle,
4 68 pound carronades on poop.

68 guns.

Frigates to rate forty guns to mount as follows:

30 24 pounders on gun-deck,
20 32 pound carronades on quarter-deck and forecastle.

50 guns.

Frigates to rate thirty-two guns to mount as follows:

26 18 pounders on gun-deck,
16 24 pound carronades on quarter-deck ond forecastle.

42 guns.

Corvette ships to rate sixteen guns to mount as follows:

18 32 pound carronades,
2 12 pounders.

20 guns.

Argument. By having a proportion of these classes of ship of war, the inner squadron, or *guarda costa*, may be composed of the ships-of-the-line, and a few of the 32 gun ships, for repeaters and look out ships. Hence, it would produce one of two results, either that the enemy would be obliged to abandon our coast, or bring on it a much greater force, at least double our number, out of which they will be obliged to keep on our coast a superiority at all the hazards of the sea; and, at great additional expense, and risk of transports, to provision and water them. But should they, from other circumstances, be unable to keep up this superiority on our coast, the door will be kept open, for the ingress and egress of our cruisers, and their prizes, while our other classes of ships may be sent in pursuit of their smaller cruisers and commerce. These observations will apply to all future wars in which we may be engaged with the maritime Powers; but as we might more frequently be engaged with the Barbary Powers, the frigates and 16 gun ships, would be better adapted to that species of warfare. They have no ships-of-the-line. The ships-of-the-line could then be laid up in ordinary, dismantled, and preserved at a small expense.

Question 5. Would not the erection of docks for the repairs of our vessels produce a great saving in expense, labor, and risk; and would not docks greatly expedite the refitting of our ships?

Answer. A dry dock, agreeable to a plan I furnished the Department some time since, to be freed from water by pumps or drains, will be indispensable for the repair of ships of war, and will be the least expensive way of repairing the bottoms of our ships, and will expedite the outfits in point of time one to ten.

Argument. A ship of war wanting repairs done to her bottom, or coppering, must be turned down one side at a time to undergo that repair; therefore, to prepare a ship for that process requires that her upper masts should be taken down, and all her guns, stores, water casks, ballast, ammunition, etc. should be taken out—which leads to great loss, waste, and labor: and the time occupied in the process will be from two to three weeks, and as much more time will be required to re-rig, re-equip, and replace her guns, stores, and other materials. The preparation to dock a ship of war can be done in twelve hours. All that is necessary to be done, is to take out the guns, and pump the water out of the water casks, and when in the dock the repairs of her bottom can progress on both sides at

the same time. Should a ship of war require a thorough repair throughout, it can never be effectually done but in a dock; for instance, in repairing ships of war in the water, they are liable to have the fine form of their bottom spoiled, by hogging, spreading, or warping, which will materially affect their sailing. Ships wanting thorough repairs require all the plank stripped off inside and outside, their beams, knees, and clamps taken out; these are all they have to bind their frames together, and thereby preserve their shape; but when stripped of them to make room for the new, they are liable to hogg from the greater weight and body of timber being in the fore and after end, at which places there is no pressure upwards caused by the water, as those ends are sharp; the two extremes of the ship are liable to sink in the water, while the body or middle of the ship rises with the upward pressure of the water. The next consideration in repairing the bottoms in the water, though not of such vital importance, is not unworthy of serious attention; the bolting in the bottom ought to be driven from the outside; but when repaired afloat they are under the necessity of driving them from the inside; hence the bottom will not be so strong, nor so well secured.

The time for answering the several questions propounded to me in your letter of the 11th instant, being very short, and a great deal being required by my other avocations, will, I trust, be a sufficient apology for my not going more largely and minutely into the subject, as also for any inaccuracies which I may have committed. I will, therefore, close this communication with an expression of my hopes that, whatever may be proposed by the Naval Committee to Congress on this subject, they will strongly recommend to their consideration the necessity of having what they propose for the increase of the Navy of the best seasoned materials; which will be by far the cheapest, and be longer in a state for active service. I trust their past experience will prove to their satisfaction this position, that the best materials are always the cheapest, and that a slow increase is better than a hasty and temporary one.

I have the honor to be, very respectfully, sir, your obedient servant.

CHARLES STEWART.

Hon. PAUL HAMILTON.

We agree with Captain Stewart in the within statement, in all its parts.

ISAAC HULL,
C. MORRIS.

Ships of the United States' Navy, commissioned and put in service during the years 1798 *and* 1799:

United States, forty-four guns	1798
Constitution, forty-four guns	1798
Constellation, forty-four guns	1798
Congress, early, thirty-six guns	1799
President, forty-four guns	1799
Chesapeake, forty-four guns	1799
Philadelphia, forty-four guns	1799
New York, thirty-six guns	1799
Essex, thirty-two guns	1799
Adams, thirty-two guns	1799
George Washington, thirty-two guns	1798
Boston, thirty-two guns	1799
General Greene, thirty-two guns	1798
Insurgent, thirty-six guns	1799
Ganges, thirty-two guns	1798
Portsmouth, twenty-four guns	1798
Merrimack, twenty-four guns	1798
Connecticut, twenty-four guns	1798
Baltimore, twenty guns	1799
Delaware, twenty guns	1798
Maryland, twenty guns	1799
Patapsco, twenty guns	1799
Herald, eighteen guns	1798
Trumbull, twenty guns	1798
Warren, twenty guns	1798
Montezuma, twenty guns	1798
Norfolk, eighteen guns	1798
Richmond, eighteen guns	1798
Augusta, eighteen guns	1798
Pickering, fourteen guns	1798
Experiment, fourteen guns	1798
Enterprize, fourteen guns	1798

And a number of smaller vessels. In service, in 1798, 20; in 1799, 33; besides smaller vessels.

Statement showing the proportions of able seamen, ordinary seamen, and boys, required for a ship-of-the-line, say a 76 and a 44 gun frigate:

A 76 requires 280 able seamen and 233 ordinary seamen and boys; a 44 requires 140 able seamen and 172 ordinary seamen and boys.

NOTE.—280 able seamen is considered by practical men as too great a proportion for a first rate 76. The whole number of able and ordinary seamen and boys is 513; and practical men say that they may be classed thus: able seamen 220, ordinary seamen, &c. 293. It is observed by those acquainted with ships-of-the-line, that to manage their sails does not require more able seamen than are required to manage the sails of a large frigate.

A force in frigates equal to a 76 would then require 420 able seamen, a 76 would require 220—making a difference in this respect of 200 able seamen in favor of the 76.

In 1798 and 1799 no difficulty was experienced in procuring able seamen; we could frequently in one week man a frigate. One among other considerations, which induced able seamen to enter then with so much alacrity, was because the enemy we were then contending with had not afloat (with very few exceptions) vessels superior in rate to frigates. The enemy we are fighting have ships-of-the-line; and our sailors know the great difference between that class of vessels and frigates, and cannot but feel a degree of reluctance at entering the service, from the evident disparity. Build ships-of-the-line, and you will man them with more ease than you now can a sloop of war.

In 1798, 1799, and 1800, we had near 4,000 able seamen in the Navy, a number sufficient to man 18 ships-of-the-line.

Ordinary seamen can always be procured in abundance.

MONDAY, November 30.

Mr. LEWIS, from the Committee for the District of Columbia, presented a bill to authorize the sale of the Glebe, situate within the county of Alexandria, and to provide for determining the adverse claims to the same; which was read twice, and committed to a Committee of the Whole on Wednesday next.

On motion of Mr. WILLIAMS, the Committee of the Whole were discharged from the consideration of the bill making provision for an addi-

tional number of general officers, and it was recommitted to the committee appointed on that part of the President's Message which relates to Military Affairs.

TUESDAY, December 1.

A message from the Senate informed the House that the Senate have passed the bill "concerning the pay of the non-commissioned officers, musicians, privates, and others, of the Army, and for other purposes," with amendments; in which they desire the concurrence of this House.

The amendments were read, and, together with the bill, referred to the committee on that part of the President's Message which relates to Military Affairs.

The SPEAKER laid before the House a letter from the Commissioner of the General Land Office, transmitting a report of the Commissioners for ascertaining and adjusting the claims to land in the late Territory of Louisiana, now Missouri, of the rejected claims filed with the Recorder; which were referred to the Committee on the Public Lands.

The House resolved itself into a Committee of the Whole on the bill to incorporate an insurance company against fire in the town of Alexandria, in the District of Columbia, which was gone through, reported to the House, and ordered to be engrossed for a third reading.

NATURALIZATION LAWS.

On motion of Mr. LACOCK, the House resumed the consideration of the bill supplementary to the naturalization laws.

On motion of Mr. LACOCK, the bill was amended by adding thereto the following additional section:

"*And be it further enacted*, That every naturalized citizen of the United States, or the Territories thereof, shall forfeit such citizenship on his voluntarily departing from and remaining out of the United States for and during the term of two years."

On motion of Mr. FITCH, the following other section was also incorporated in the bill:

"*And be it further enacted*, That all persons who shall have been naturalized subsequent to the 18th day of June last, shall be entitled to all the rights and privileges of citizens of the United States, from the date of such naturalization, anything in the declaration of war against Great Britain, or any other act, to the contrary notwithstanding."

Mr. FISK moved to strike out *nine* months, the time allowed to citizens to take the benefit of our naturalization laws, and insert *three*. He said he could not see why so long a time should be allowed. The longest time extended to our citizens in Canada is thirty days; and he did not see why so much more liberality should be extended to their citizens here. He was opposed to their remaining here longer than necessary, the more especially, as they employed themselves in exciting divisions, and fomenting the party feuds which now agitate the country.

Mr. LACOCK thought the time proposed was too short; that in some districts they could scarcely hear of the law within that time, and at any rate might not be able to meet with a tribunal, at which to comply with the requisites of the naturalization law, before the expiration of that period.

Mr. FISK withdrew his motion for the present.

EXPORTATION OF PROVISIONS.

Mr. NEWTON offered the following resolution for consideration, viz:

Resolved, That the Committee of Commerce and Manufactures be instructed to inquire whether any and, if any, what restrictions on the exportation o provisions, and of all articles necessary for naval equipment, in vessels of foreign nations at amity with the United States, may at this time be expedient; and tha the committee have leave to report by bill, or otherwise.

Mr. N. said it was well known that there was not a day passed over our heads but American vessels were departing for Spanish and Portuguese ports, unrestricted as to the exportations o provisions and naval stores. It was also well known that the nation with whom we are a war had in our vicinity possessions requiring the use of these articles. It was as well known, tha although we were at war with Great Britain she had agents in this country, who, under the Spanish and Portuguese flag, had it in their power to supply those possessions with such article in this country as they stood in need of. It was with a view to cutting off the supplies daily sen from this country to Halifax, Newfoundland Bermuda, &c., that he had proposed the inquiry The House had already decided, contrary to hi wish, that there should be no embargo—that the exportation of provisions should not entirely cease in vessels of foreign nations at amity with us—but, as in duty bound, he acquiesced in it decision. The resolution he had offered had no for its object to prevent the exportation to an country other than that of the enemy; but hi wish was to require a bond from these vessels before they departed from the United States that their cargo should be landed in a friendly port; that they should not, directly on leaving port, steer for St. John's, or Halifax, or Bermuda or any other British port. This was the view h had in proposing the motion, and he hoped th House would accept it.

Mr. GOLD said the resolution was illy adapte to the object, as avowed, which appeared to b to guard against improper destinations, and no against exportation. In its present form it wa calculated to excite much speculation and alarm He hoped it would be so modified as to adapt th phraseology to the avowed intention.

Mr. BASSETT concurred in opinion with M GOLD, and moved to modify the resolution so a to read as follows:

Resolved, That the Committee of Commerce an Manufactures be instructed to inquire into the exped ency of requiring bonds on the exportation of provi ions, and all articles necessary for naval equipment, i vessels of foreign nations at amity with the Unite States; and that the committee have leave to report b bill, or otherwise."

Mr. NEWTON was not disposed to contend for the form, if the substance was retained, and therefore consented to the modification proposed.

Mr. MACON expressed his regret that the resolution had not been more broad and comprehensive. He had no fear of creating alarm in the public mind, or exciting speculation, because, he said, the people would understand that nothing but an *inquiry* was proposed, which involved no decision of the question of expediency.

Mr. BASSETT said he had hoped, after the decision of the House the other day by an overwhelming majority, that the agricultural or farming interest would not be again attacked in this way. The adoption of such a resolution, said he, will excite alarm—it will excite speculation. The merchant will go to the farmer and buy up his produce at a reduced price, telling him that Congress were now legislating on the subject. Mr. B. said he had heard of these arguments being used heretofore, and that they did induce many farmers to sell their produce at twenty-five per cent. less than they would have done but for this argument. The adoption of the resolution would have a very material effect on the price of produce. He did not fear the ultimate adoption of any provision on this subject, because he was perfectly satisfied that when gentlemen came to reduce their views to paper they would find their object impracticable. But he did not wish the subject stirred at all. Speculation was one of the great banes of our Government, and he at least would always do everything in his power to put it down; he was therefore opposed to this motion.

Mr. MILNOR entirely agreed in opinion with Mr. BASSETT, as to the impropriety of doing anything which should have a tendency to excite speculation. Already there was a bill on the table which, if passed, would go to cut up by the roots great part of the present export trade, by prohibiting the use of the licenses which made it safe. The present proposition, originating with the Chairman of the Committee of Commerce and Manufactures, in its original form would have excited great alarm. He was, therefore, pleased at the modification; but he thought it did not go far enough, and therefore proposed to amend it by adding, after the words "United States," the words "conditioned that such vessel and cargo shall not proceed to an enemy's port."

Mr. RHEA moved to amend the amendment by adding thereto the words "or to any port or ports in possession of the enemy."—Agreed to.

The question was then taken on Mr. MILNOR's motion, as amended, and negatived—51 to 50.

The question was then taken on the resolution, in the form proposed by Mr. BASSETT, and negatived—56 to 49.

A short time afterwards—

Mr. NEWTON said it appeared to him that the House had rejected the resolution above-mentioned more on account of its phraseology than its import. He was, therefore, induced to propose it again in rather a different shape, as follows:

Resolved, That the Committee of Commerce and Manufactures be instructed to inquire whether any, and, if any, what restrictions on the exportation of provisions, and all articles necessary for military and naval equipments, in vessels of foreign nations at amity with the United States, may at this time be expedient; and that the committee have leave to report by bill, or otherwise."

On the question of agreeing to consider this resolution, he called the yeas and nays, which stood as follows: For considering it 56, against it 57, as follows:

YEAS—William Anderson, Ezekiel Bacon, William Barnett, William W. Bibb, Robert Brown, William Butler, James Cochran, Lewis Condict, Wm. Crawford, Richard Cutts, Roger Davis, Joseph Desha, Samuel Dinsmoor, Elias Earle, James Fisk, Meshack Franklin, Isaiah L. Green, Bolling Hall, Obed Hall, John A. Harper, John M. Hyneman, Richard M. Johnson, William R. King, Abner Lacock, Peter Little, Aaron Lyle, Nathaniel Macon, Thomas Moore, William McCoy, Samuel McKee, Alexander McKim, Arunah Metcalf, Samuel L. Mitchill, James Morgan, Jeremiah Morrow, Thomas Newton, Stephen Ormsby, Israel Pickens, Elisha R. Potter, William Reed, John Rhea, John Roane, Ebenezer Sage, Lemuel Sawyer, Adam Seybert, Samuel Shaw, John Smilie, George Smith, William Strong, John Taliaferro, George M. Troup, Charles Turner, jr., Robert Whitehill, David R. Williams, William Widgery, and Richard Winn.

NAYS—Stevenson Archer, John Baker, Abijah Bigelow, Harmanus Bleecker, Adam Boyd, James Breckenridge, Elijah Brigham, John C. Calhoun, Epaphroditus Champion, Langdon Cheves, Martin Chittenden, Thomas B. Cooke, John Davenport, jr., William Ely, James Emott, Asa Fitch, Thomas Gholson, Thomas R. Gold, Charles Goldsborough, Peterson Goodwyn, Felix Grundy, Aylett Hawes, Jacob Hufty, Richard Jackson, jun., Joseph Kent, Philip B. Key, Joseph Lewis, jr., William Lowndes, George C. Maxwell, Archibald McBryde, James Milnor, Jonathan O. Moseley, Hugh Nelson, Thomas Newbold, Joseph Pearson, Timothy Pitkin, jun., James Pleasants, jr., Josiah Quincy, William M. Richardson, Samuel Ringgold, Jonathan Roberts, William Rodman, Thomas Sammons, John Sevier, Daniel Sheffey, John Smith, Richard Stanford, Philip Stuart, Silas Stow, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Uri Tracy, Pierre Van Cortlandt, Laban Wheaton, Leonard White, and Thomas Wilson.

So the House refused further to consider the subject.

WEDNESDAY, December 2.

Mr. MORROW, from the Committee on the Public Lands, to whom were referred the several petitions, presented at the present session, praying an extension of the time limited by law for the payment for lands purchased by the United States, and the resolution of the 16th ultimo, upon the same subject, made a report; which was read, and committed to a Committee of the Whole on Friday next.

Mr. CHEVES, from the Committee of Ways and Means, presented certain documents; which were referred to the Committee of the Whole on the report of that committee on the several peti-

tions of the merchants relative to bonds lately given to the United States.

Mr. Williams, from the committee on that part of the President's Message which relates to military affairs, presented a bill supplementary to an act making provision for arming and equipping the whole body of the militia of the United States, and for classing the same; which was read twice, and committed to a Committee of the Whole on Monday next.

Mr. Fisk, from the committee appointed on the 21st ultimo, presented a bill to alter the time and place of holding the circuit and district courts in Vermont; which was read twice, and ordered to be engrossed, and read the third time to-morrow.

Mr. Poindexter, from the committee to whom had been referred the bill concerning the district and territorial judges, as amended, reported a recommendation that the amendments made thereto in the House be stricken out.

The House concurred in the report—44 to 36; and the bill was ordered to be engrossed for a third reading.

The engrossed bill to incorporate a fire insurance company in the town of Alexandria, in the District of Columbia, was read a third time, and passed.

A motion was made that the House do proceed to the consideration of the report of the Committee of the whole House on the resolution for the presentation of a gold medal, &c. to Captain Hull; and, the question being taken, it was determined in the negative.

Mr. Morrow, from the Committee on the Public Lands, to which had been referred sundry petitions for a prolongation of the time of payment for public lands, and also a resolution on the subject, made a report concluding with a recommendation of the following resolutions:

"*Resolved*, That such parts of the laws for the sale of the public lands, as allow a credit on part of the purchase money, be repealed, and that the price at which the lands shall be offered in future, shall be one dollar and twenty-five cents per acre.

"*Resolved*, That, in future sales, a portion of the public land be offered in tracts of eighty acres.

"*Resolved*, That two years be given in addition to the terms now allowed by law, to the purchasers of public lands, whose time of payment shall have or may expire on or before the first day of January, 1814, on condition that all the interest that has accrued or may accrue, on or before the first day of March next, shall be paid on that day, and the interest that may become due thereafter shall be paid at the day on which the time, according to the existing laws, shall expire for making payment."

The report was read, and referred to a Committee of the whole House.

MERCHANTS' BONDS.

On motion of Mr. Cheves, the House resolved itself into a Committee of the Whole, on the report of the Committee of Ways and Means, on the subject of the bonds given by sundry merchants on account of recent importations of British goods. [The report recommends a reference of all the petitions on the subject to the Secretary of the Treasury.]

Numerous documents were read by the Clerk, generally tending to show that but little profit was made by the merchants on their recent importations, and they were innocent of intentional violations of the prohibitory law.

After the reading of these documents was concluded,

Mr. Cheves rose and stated that it had not been his good fortune to agree with the Committee of Ways and Means in the report which he had been by them directed to make to the House. He rose merely to state this fact; and it would now devolve on some other member of the Committee to exhibit the reasons on which the report was predicated.

Mr. Johnson said the House would readily perceive the disagreeable situation in which the majority of the Committee of Ways and Means were placed in being deprived of the aid of the abilities of the gentleman who was chairman of the committee. Mr. J. said he had intended himself to offer some observations to the House on the subject; but the day was so far spent in reading the documents, that he was not desirous to-day to offer himself to the House on that question. He therefore moved that the Committee rise.

The Committee accordingly rose, reported progress, and had leave to sit again.

EXPORT OF PROVISIONS.

Mr. Harper said, that the House had yesterday refused to consider a resolution, offered by a gentleman from Virginia, (Mr. Newton,) on the subject of inquiring into the propriety of restricting the exportation of breadstuffs, &c., when the House was thinner than at present, some members having been absent. With a view to try the question in a full House, he moved that the House do now proceed to a consideration of the resolution.

And the question being taken, there appeared—yeas 58, nays 58, as follows:

Yeas—William Anderson, Ezekiel Bacon, David Bard, William Barnett, William W. Bibb, Robert Brown, William Butler, Francis Carr, Matthew Clay, James Cochran, Lewis Condict, William Crawford, Roger Davis, Joseph Desha, Samuel Dinsmoor, Elias Earle, William Findley, James Fisk, Meshack Franklin, Isaiah L. Green, Bolling Hall, Obed Hall, John A. Harper, John M. Hyneman, Richard M. Johnson, William R. King, Abner Lacock, Peter Little, Aaron Lyle, Nathaniel Macon, George C. Maxwell, Thomas Moore, William McCoy, Samuel McKee, Alexander McKim, Arunah Metcalf, Samuel L. Mitchill, James Morgan, Jeremiah Morrow, Thomas Newton, Stephen Ormsby, Israel Pickens, Benjamin Pond, Elisha R. Potter, William Reed, John Rhea, John Roane, Ebenezer Sage, Ebenezer Seaver, Adam Seybert, Samuel Shaw, John Smilie, George Smith, George M. Troup, Charles Turner, junior, Robert Whitehill, William Widgery, and Richard Winn.

Nays—Stevenson Archer, John Baker, Burwell Bassett, Abijah Bigelow, Harmanus Bleecker, Adam Boyd, James Breckenridge, Elijah Brigham, John C. Calhoun, Epaphroditus Champion, Langdon Cheves,

Martin Chittenden, Thomas B. Cooke, John Davenport, junior, John Dawson, William Ely, James Emott, Asa Fitch, Thomas Gholson, Thomas R. Gold, Charles Goldsborough, Peterson Goodwyn, Felix Grundy, Aylett Hawes, Jacob Hufty, Richard Jackson, junior, Joseph Kent, Joseph Lewis, jun., William Lowndes, Archibald McBryde, James Milnor, Jonathan O. Moseley, Hugh Nelson, Thomas Newbold, Joseph Pearson, Timothy Pitkin, junior, James Pleasants, junior, Josiah Quincy, William M. Richardson, Henry M. Ridgely, Samuel Ringgold, Jonathan Roberts, William Rodman, Thomas Sammons, Daniel Sheffey, John Smith, Richard Stanford, Philip Stuart, Silas Stow, Lewis B. Sturges, Samuel Taggart, John Taliaferro, Benjamin Tallmadge, Uri Tracy, Pierre Van Cortlandt, jr., Laban Wheaton, Leonard White, and Thomas Wilson.

The votes being equally divided,

Mr. SPEAKER said, he believed he should vote against the proposition at any time, and it was rather too late in the day to take it up now.

He therefore voted in the negative, and the House adjourned.

THURSDAY, December 3.

SHADRACK BOND, returned to serve as the delegate, in this House, for the Illinois Territory, appeared was qualified and took his seat.

On motion of Mr. LEWIS, the petition of the Commercial Company of the City of Washington, presented on the eighth of June, 1812, was referred to the Committee for the District of Columbia.

Mr. WILLIAMS, from the committee on that part of the President's Message which relates to military affairs, made a report on the amendments of the Senate to the bill "concerning the pay of the non-commissioned officers, musicians, privates, and others, of the Army, and for other purposes;" which was read: Whereupon,

Resolved, That this House doth concur in the said amendments, with amendments.

On motion of Mr. JENNINGS,

Resolved, That a committee be appointed to inquire into the expediency of disqualifying any of the Judges of the Territories of the United States from holding any other office of profit or trust, other than from the President and Senate of the United States.

Resolved, That they do likewise inquire what amendments, if any, are necessary to be made to the qualifications requisite to a seat as a delegate in the Congress of the United States, with leave to report by bill, or otherwise.

Mr. JENNINGS, Mr. LYLE, Mr. MCKEE, and Mr. BARNETT, were appointed the committee.

An engrossed bill altering the time and place of holding the Circuit and District Courts in Vermont was read the third time, and passed.

An engrossed bill concerning the District and Territorial Judges of the United States was read the third time, and passed.

MERCHANTS' BONDS.

The House resumed the order of the day on the report of the Committee of Ways and Means, on the petition of sundry merchants, praying a remission of the bonds given on the recent importation of British goods.

Mr. JOHNSON, after some preliminary remarks, said the Committee of Ways and Means had examined the subject of the late importations of British manufactures with considerable attention; and, after much deliberation and difficulty, had reported a resolution to the House recommending a reference of the whole subject to the Secretary of the Treasury, who had ample power over it. The President had, in his very able and lucid communication to Congress, at the commencement of the session, represented to them that a considerable number of American vessels had arrived in the United States laden with British manufactures, under an erroneous impression that the non-importation act would cease to operate upon a revocation of the British Orders in Council by the order of the 23d of June last, and upon a subject of such magnitude the Secretary of the Treasury had not exercised the power of mitigating the forfeitures incurred, that Congress might have previously an opportunity of making such provision as they might deem expedient, and recommending this body to consult equally what is due to equitable considerations on the part of the merchant, and what is due to the public interest.

It has not been recommended to Congress to interpose, but an opportunity has been given, that Congress might, if the views of the Secretary of the Treasury did not correspond with their own. The Secretary of the Treasury has expressed himself in the same character. Considering the magnitude of the subject, and the unforeseen nature of the case, it was thought proper not to exercise the authority vested in the Treasury Department, until Congress had taken the subject into consideration, and prescribed, if it was thought proper, the course to be pursued. There is no reluctance expressed either in the President's communication or in Mr. Gallatin's report to act upon the subject, and independent of this evidence several members of the committee know personally that the Secretary of the Treasury feels no embarrassment in acting, provided the matter should be left for his disposition.

Why did the Secretary of the Treasury suspend his decision in this case until the will of Congress should be known? The reason is obvious. The consideration was weighty. By the infraction of an existing statute, the non-importation act, British manufactures to the value of twenty millions of dollars had become forfeited to the Government of the United States. The vessels and cargoes had been seized, and suits in every case commenced in compliance with statutory regulations.

This twenty million of dollars belonged to the United States by forfeiture. The Secretary of the Treasury, consulting equally in his decision equitable considerations and the public interest, formed his opinion, as expressed in writing, that there ought not to be an unqualified remission of the penalties and forfeitures in favor of the im-

porter, nor a total exaction for the public benefit. But, that the one-half of the forfeitures, which would otherwise fall to the share of collectors, ought to be remitted; that with respect to one-half belonging to the United States, justice to the community requires, that, when remitted, at least an equivalent may be secured to the public for the extra profit beyond that on common importations which arises from the continuance of the non-importation act. This opinion, formed and expressed, was not executed, although the power was without limit. It was wisely delayed, that an opportunity might be given to the Representatives of the people to object to such a mitigation. The power of remission or mitigation once exercised would effectually destroy the right of the Government. And as a favorite act, a measure of redress against a foreign enemy, had been violated, by which these forfeitures had accrued, it was due to Congress, that an opportunity should be afforded to object to such dispensing power, and to make any provision that they might deem expedient. It must have been this view of the subject which delayed the Secretary of the Treasury in the exercise of his mitigating powers, and not any unwillingness on his part on this as it never has been on other occasions to do his duty, without a desire to shrink from responsibility. Why object to this reference? Why interpose in this case? No new power is given. It was given under the Administration of General Washington. It has been continued until the present moment, consecrated by the necessity of the provision. Take the power away in this instance—you do not propose to take it away in any other—it will remain as it has remained from the foundation of this Government, a permanent and indispensable provision. No individual wishes to change the statute, nor shift the power; why interpose then in this case? The opposition comes from those who contend for an unconditional remission of the bonds; of course the objection does not arise from the extent of the power, or the nature of the power, but because the power is not exercised in its greatest extent. Indeed no objection can be made to the power of the Secretary of the Treasury; the statute does not give him the power of committing violence; it does not legalize any outrages. No, sir; it gives him the power of remitting or mitigating forfeitures and penalties, in whole or in part, incurred by a violation of the laws of the land. If the power should be exercised, and the bonds of the importers cancelled, then, sir, the rights of the United States are gone forever. But, if too much should be exacted, if the conditions of remission should be oppressive, we have lost none of our power to interpose; the friends of unqualified remission cannot, therefore, object to the power, because they have the advantage ground of those who are not willing wholly to sacrifice the public interest. If this proposition wanted support from any farther considerations, they might be added. As it respected the United States, it was important that the exercise of the power of the Secretary should be delayed; but on account of the petitioners it was not. Take the case of "A" alone, and Congress would not be called upon to interpose. The subject would not be of sufficient magnitude; but when you unite the case of B, C, D, and the whole of the alphabet, if you will, then comes the objection; the pecuniary interest of the merchant, and not his rights, are considered. Take one insulated case, and if injustice is done, it would not be more injurious or flagrant, because others share the same fate. As it respects the rights of the petitioners, they cannot be entitled to higher consideration than citizens who have been, and will continue to be, subject to this power, not to injure but to pardon. Has this power been exercised improperly? Where is the complaint? None is heard. Why fear it at this moment? The Secretary of the Treasury is an officer of high character and responsibility; and as we are amenable to those who elect us, for a faithful discharge of our duty, he is equally accountable to the constituted authority of Government. No officer is exempt from this responsibility. But we place confidence where confidence is due. Who doubts the capacity of the Secretary? This is acknowledged. Who doubts his integrity? None. Where then is the fear? That he will not remit the forfeitures of the importers of British manufactures without qualification? This is not my fear. I do not wish it; and the Secretary has said he will not do it; and no wonder at the opposition of those who differ from him.

The argument for a reference might be closed here; but the objection arising principally from the extent of relief, and not from the nature of the power, the view of the Secretary of the Treasury is naturally involved in the discussion.

To consult what is due to equitable considerations, the manner in which the non-importation act has been violated must be a matter of examination. The Committee of Ways and Means was furnished with papers by those who represented the merchants in this case, which is a clear manifestation that they were not ignorant of the provisions of that law by which 20,000,000 of property has been forfeited to the United States. It contains, verbatim, that clause in the act of March 1, 1811, which sanctioned the President's proclamation of November 2, 1810, by reviving the non-importation part of the non-intercourse against Great Britain.

"Sec. 2. *And be it further enacted*, That in case Great Britain shall so revoke or modify her edicts as that they shall cease to violate the neutral commerce of the United States, the President of the United States shall declare the fact by proclamation; and such proclamation shall be admitted as evidence, and no other evidence shall be admitted of such revocation or modification in any suit, &c. And the restrictions imposed, or which may be imposed by virtue of the said act, shall, from the date of such proclamation, cease and be discontinued."

From this provision in the statute, the President was made the sole judge of what revocation or modification of the British Orders in Council

would justify a suspension of the non-importation act, which fact was to be declared by proclamation, which was to be the only evidence of the fact of such revocation or modification; and the restrictions imposed upon our commerce were to cease from the date of the President's proclamation, and not from the revocation of the British Orders in Council. In defiance of this knowledge, the shipments of British manufactures were made.

The importers not only anticipated what the President would do in consequence of the Order in Council of June 23d, but placed themselves in the character of judges for the people of the United States of what modification or revocation of the British orders, of 1807 and 1809, would justify a suspension of the non-importation act—thus attempting to arrest from the President the high power vested in him alone by act of Congress.

This course of measures was pursued by a hasty and precipitate importation of British manufactures, without waiting a reasonable time for the President's proclamation, from the date of which commercial restriction was to cease. Was this an innocent infraction of an existing law? What motive actuated? The prospect of gain—self-aggrandizement. The honor of the country was forgotten; the law considered a dead letter; and British aggressions overlooked.

It was a desire to come with their wares into an exhausted market—to enrich themselves—to out-run other merchants who waited for the administration of the law by the proper organ. The infraction of the law was not innocent. I will not say it was fraudulent. It was a violation with their eyes open to their own personal benefit. If the revocation of the British Orders in Council had been such as to have admitted of no doubt of the suspension of the non-importation act, the merchants were advised by their showing that it was illegal to make shipments until the emanation of the President's proclamation. It was not only prohibited to our citizens to make shipments; but to load their vessels with intent to ship before such proclamation, was a forfeiture of the goods. This gave notice to all, under what circumstances trade could be resumed, and placed the community upon an equality. In risking a voluntary infraction of law, the importers of British merchandise should have chosen a case less embarrassed than the British order of revocation. The conditions of the revocation are incompatible with the vital principles of our sovereignty and independence. 1. British armed vessels are to be admitted to the hospitalities of our waters and ports, without atonement or repentance for the insults and injuries received by our citizens in the vexations of the commerce, in the impressment of our seamen, and in the slaughter of our people. 2. The suspension of the non-importation act. 3. The right is positively claimed of resorting to the Orders in Council, as a measure of retaliation against France, whenever the British Ministry shall deem it expedient. Admit that they had a right from our promises to expect a compliance with the two first conditions, the third was surely an insult to our injured feelings, and declaring in so many words that the arbitrary principle of plundering our property on the high seas was a right which they had only relaxed until it was deemed expedient in the sight of our enemy to fix it upon us. It is unnecessary to hazard an opinion, as to the course which would have been pursued by the President under this insidious and disguised relaxation of the British Orders in Council—it is however evident that it was not a case favorable for the importing merchants to anticipate the views of the President in violation of law. This is not the only view which will enable us to consult equally equitable considerations and the public interest. The measure of non-importation must be examined. Without an inquiry into the merit of this act, the reasons are obvious why there should not be a voluntary and total violation of a positive statute with impunity, and more care should be taken not to give premiums to one part of the community to do that which in our legislative characters we refused to do. It is well known that Congress at the last session refused to repeal this non-importation act in whole or in part—and I am unwilling that the act should be repealed by force. I do not speak of hard cases. I speak of the ordinary trade from Great Britain. There is one class of importers entitled to consideration above all others—those who purchased their goods in the fall, 1810, before the non-importation act was revived by the President's proclamation of 2d November, or who had purchased their goods previous to the 2d of February, 1811, which closed the departure of vessels from British ports by the act of March, 1811. This may be considered innocent *bona fide* American trade, being American property, purchased before the restrictions were in operation, and the merchants being compelled to warehouse such goods at their own risk, until the late revocation of the British Orders in Council. The dilemma of this property was not produced by a voluntary act on the part of the purchaser. He obeyed the impulse of duty in storing away his goods, making a sacrifice rather than violate the laws of the country; and in addition to this reason for a distinction, and not less powerful, is that Congress did by law admit to entry all property shipped from British ports prior to the 2d February, 1811, although by the previous existing provision, forfeitures were incurred unless the vessel arrived within our ports before that period. To make a discrimination in those cases where it can be done is assuming the ground of equality. I was not unwilling at the last session to admit a partial suspension of the non-importation act, for the double purpose of relieving the *bona fide* American merchant who had his funds in Great Britain, and to prevent at that time internal taxation. This suspension was to be limited as to time, and restricted as to articles, which would have relieved us from impositions which have been lately enacted in the sale of certain articles, and the British manufacturers would not have been relieved from their great distress, nor would our own manufactures

have suffered by the competition. Upon this subject I have not changed my opinion. I was at that time against a repeal of the non importation act; at this time I am against any relaxation—nor did this partial relaxation which was attempted at the last session contemplate a direct trade with Great Britain. It was prohibited expressly. A total repeal was then attempted and failed; and no wonder those who have at all times advocated the abandonment of the non-importation act as a ruinous measure should advocate its repeal by actual violation—by force. So much has been suggested without regard to the merits of this measure of non importation. The non-importation act is a measure of redress against British aggression, and rigidly enforced it is a powerful weapon. It is not a system of the moment, nor was it adopted without due deliberation; nor has it been persevered in without absolute certainty of its efficacy and beneficial results. It might be traced to the Revolution; it might be called the offspring of that epoch, originating with wisdom, to which we are indebted for our high destiny as a free people. The Journals of the old Congress need not be consulted. Let the period of 1805 be called to recollection; that was an enviable period for the American patriot, when the importing and exporting merchants united in writing one hundred and forty pages in various memorials to Congress against the piratical conduct of British cruisers acting under British orders. It was an application of the rule of '56 to the commerce of the United States; a rule fundamentally wrong and the conduct under it the most atrocious. Plunder and piracy was the order of the day. Trade consecrated by public law subject to fluctuating decisions; rules of evidence disregarded; vessels and cargoes subject to the arbitrary discretion of English tribunals. The rule of '56 never was executed until 1801—then it was alternately enforced and abandoned—until the merchants rallied in the fall of 1805. In "'56" it was the case of the Dutch carrying colonial produce the property of an enemy. It was not a question of security in cases of *bona fide* neutral property. This colonial trade had become lucrative; the wealth of our merchants was employed in purchasing colonial productions; brought to the United States, the direct trade being prohibited, the surplus was exported under the sanction of the most sacred and long established principles of the laws of nations, as well as the British admiralty courts. Under these sanctions, without notice, and with a motive to plunder, our rich cargoes spread over the face of every sea are swept from the ocean by British armed vessels.

Not satisfied with the regular trade of the American merchant, it has been periodically a prey to feed the hungry appetite of the British navy, and her cruisers. She destroys the commerce of her enemies; she plunders the commerce also of neutrals; and as our neutral and maritime rights have been important to our citizens by their enterprise and industry, and as they have promised us prosperity and wealth, in the same degree have they been subjects of British jealousy and outrage. The merchants were united in their complaints; Congress was urged to resistance; the Government was called upon to outstretch the right hand of its power; while the merchants were swearing upon the altar of eternal justice, that they would avenge the bleeding wounds of their common country. In New York the merchants, in their memorial, recommend permission to be given to the seamen to resist, with force of arms, in our own waters, British press gangs. The disgrace of submitting to plunder and outrage was felt. Ready to support the cause of the merchants, Congress obeyed their impressive call. Mr. Monroe reiterated the same complaint from Europe. Something must be done. The eighteenth of April, the partial non-importation act was adopted, to take effect the fifteenth of November following. Congress was not long deceived. Dismay seemed to succeed this display of zeal. Commercial sensibilities were blunted. Aggressions were more common; prospects were darkened; those who urged the nation to resistance were the first to condemn it. Commercial restriction with Great Britain was opposed, and, when war was declared, that war was opposed with fourfold violence—the alternative was submission. No cessation on the part of Great Britain of her hostile acts; they increased; no concession of rights, no atonement made. On the 22d December, 1807, an embargo was laid; which continued fourteen months, and was repealed by act of Congress of first March, 1809. The non-intercourse law continued about about fourteen months, and expired with the end of the session in May, 1810. The first of May, 1810, before the close of the session, the act passed which authorized the President to revive the non-importation part of the non-intercourse, which was about to expire, upon certain contingencies. Accordingly, the 2d November, 1810, the non-importation was revived against Great Britain by proclamation, which continues in force. This is the history of our commercial restrictions.

While the people are fighting for commerce and free trade, I am unwilling to see any class of citizens carry on a trade with the enemy, and under license. It would be gross injustice to the other classes of the community, and it would induce the merchant to look to a foreign Government, and an enemy, for protection. The calamity of war is acknowledged. It has been resorted to as the least evil, and all must bear the calamity as it comes upon them, as our fathers did before us. The time has arrived when we must act with energy. The partial non-importation law was too weak; the embargo was too weak; the non-intercourse was too weak: these measures were weak, because the mercantile class of the people was strong; our weakness has originated from their strength. The partial non-importation law was suspended; the embargo was repealed in a moment of alarm; and the non-intercourse expired of itself. The strength of the non-importation is about to be tested; we are now to see whether we shall be driven from this

ground. But the non-importation is a strong measure of redress. It has had this character with the British Ministry. When Mr. Fox was advised of the passage of the partial non-importation act, he seemed to be alarmed. After his death, his successors, Lords Holland and Auckland, made it the first act of their official duty with our Ministers in London to remonstrate against it. See the last letter written by Mr. Monroe before Mr. Pinkney united with him, and see the first letter received by them jointly. The same anxiety prevailed in the subsequent communications upon our subsequent restrictive measures.

The examination before the House of Commons in England of upwards of one hundred individuals of respectability, from more than thirty of the great manufacturing districts, and the remark of Mr. Brougham, place the subject in a most interesting point of view. The principal manufacturers, the proprietors, are represented as without capital; with stock on hand and no market; their funds exhausted, and ruin threatened; the laboring class of the people reduced to the most afflicting distress. Thousands are represented to be without employ; thousands upon half pay, and half allowance of food; thousands reduced to the brink of starvation; the home-market glutted, and the price of manufactures reduced. South America, Canada, and other places, had been substituted for the markets in the United States; and nothing but loss and disappointment had ensued; and, as the continent of Europe was closed against British manufactures, the United States alone could relieve the distress of this valuable class of people in Great Britain. The common and ordinary consumption of British manufactures in the United States of America is estimated at fifty millions of dollars. The pay for these goods is certain, and the market not liable to fluctuation. So great has been the importations of British manufactures from the first organization of this Government, that the proceeds of our export trade to every other part of the world has principally returned home through British channels. Great Britain has been the exchange for our commerce, and if not checked, our merchants will continue during war to augment their funds in Great Britain. The case under consideration furnishes another strong evidence of the effect of this measure. The 23d June, the Orders in Council were revoked; the 13th of July, information was received in Great Britain, that a declaration of war had passed the House of Representatives; on the 30th of July, the war was officially known. Notwithstanding this short period, upwards of twenty millions worth of British manufactures have been shipped to the United States, which falls far short of usual importations. For upwards of eighteen months, the exchange between the United States and Great Britain has been about twenty per cent. discount. Since the shipments of the late imported British goods, the exchange has sunk to fourteen per cent. discount. This is evidence of the relief occasioned by the late importations. Nor will we omit the statement of Mr. Russell, our Chargé des Affaires, a gentleman who has so distinguished himself in his correspondence with the British Government. He informs you that the Orders in Council were revoked to relieve the wants and distresses of the manufacturers of England, and not as an act of justice towards the United States.

Thus, sir, the operation of this measure upon the enemy has been considered. No doubt its operation at home will be examined. I am not afraid of this examination. We have been told, and we shall be told again, that this is a self-destroying system; that we injure ourselves more than we injure the enemy. We no doubt cloud the prospects of the exporting and importing merchants, and it has an indirect influence upon the prospects of others.

But we do not expect to be without clothes to wear or bread to eat, although this non-importation act may continue as to Great Britain. We hear complaints that the per centage of the merchant is curtailed. We do not, however, hear of thousands reduced to want and beggary. So far from it, as a general measure, the non-importation act is not injurious to the United States. Industry is augmented, extravagance is curtailed, independence is secured, and manufactures are completely protected. The documents which have been furnished to this House, and other correct sources of information, have given us a most flattering prospect of domestic manufactures.

The annual value of domestic manufactured articles, is estimated at an hundred and twenty millions of dollars:—Of cabinet ware, household furniture, and ship building, twenty millions; leather and manufactures of leather, saddles, harness, shoes, boots, &c., twenty millions annually; of woollen, cotton, and flaxen goods, forty millions. Two-thirds of the people of the United States are clothed with domestic manufactures. Two-thirds of the slavery, house, and table linen used, is made in the United States. Importation of cards prevented by Whittemore's machine.

Manufactures in the United States are equal to the consumption—1st. Of wood, and of which wood is the chief material; 2d. Leather, and the manufactures of leather; soap and candles; flax-seed oil, refined sugar, coarse earthenware, snuff, chocolate, mustard, &c.

Manufactures firmly established, some furnishing the greater, and all a considerable part of the consumption of the United States—First, iron and manufactures of iron; second, of cotton wool and flax; third, hats, paper, printing types, printed books, spirituous and malt liquors, manufactures of hemp, gunpowder, window glass, jewelry, and clocks, leads, straw bonnets, and hats, wax candles, paints, and colors, salt, copper, plated ware, calico printing, queens, earthen and glass ware, medical drugs and several chemical preparations. This calculation was made principally from materials collected by the Secretary of the Treasury in 1810. Since which time there has been a great augmentation of our manufacturing establishments. The want of capital is no longer felt.

The United States abound in the raw materials of these various manufactures, and as to the necessaries of life no country can boast of equal abundance. From this view of the subject it might be urged that the United States has been injured in these late British importations, save a benefit arising from a revenue of five millions of dollars. Here a foundation is laid to destroy our dependence upon Great Britain. When that is destroyed we shall not have so much to fear from her jealousy. When the two nations are convinced that they can do without each other they will be better friends, and our distance will prevent future wars. Our exporters sell their cargoes of flour to the peninsula of Spain and purchase a bill of exchange upon Great Britain. The importer purchases this bill from the exporter, and ships to this country British manufactures. Here is dependence on our part. On the part of Great Britain she depends upon the markets of the United States to sell her manufactures and get a supply of the raw material to supply her work shops. This powerful class of British subjects, the manufacturers, prefer the markets of the United States to the markets of any other part of the globe, and the reason is obvious. In every conflict, therefore, between the two States, founded on British aggressions, this country may calculate perhaps too much upon their markets for British fabrics as an inducement on the part of Great Britain to abstain from further violence. Great Britain makes still stronger calculations upon the opposition in this country to measures of hostility. If the non-importation act should fail as a means of redress, this view gives some consolation, in the hope that if this state of things must continue it will convince the two Powers that they can live without each other. I flatter myself, that the United States would only feel a temporary evil, if from any necessity it was cut off from an intercourse with Great Britain never to be resumed—our resources are great, our wants can be supplied. I come lastly to consider the facts and the testimony in this case, and although I shall be bound to consider the statement of the merchants as interested parties, and the examination will prove it, still I shall say nothing to derogate from the high character, the great respectability, and the extensive information of those committees of merchants who have appeared before the Committee of Ways and Means. The testimony reported has only made out one side of the question. It would astonish those who are unacquainted with judicial proceedings, particularly in chancery, where individuals of the first and equal respectability contend for their rights, and each party, though equally zealous in his own behalf, make out very different and opposite cases. Here the judge leaves the statement of the parties and resorts to other testimony, either verbal or written. Indeed, sometimes the parties make statements contrary to the records of the courts, which is the highest species of evidence.

A chancellor, who had never adorned the bench of equity, would be still more astonished in cases brought for his adjudication. He would take up the bill of the complaint and read it—he would look at the party making the statement—he would acknowledge his respectability, his high standing, his unsuspected veracity—and, without further investigation, he would suppose no doubt could exist as to the justice of the claim, and would feel a disposition forthwith to enter a decree against the defendant. But, when his duty compelled him to travel over the statement of the defendant, equally respectable, equally creditable, equally honorable, he would immediately discover that he had only viewed one side of the question. His mind would immediately be balanced, and he would call for other testimony to make out the cases—and what is still more wonderful, neither party in their statement would so contradict each other as to injure the reputation of the other. So powerful is self-interest—so blind to the rights of others—the mind seems to possess magical powers to deceive itself, without being conscious of it. With these remarks, I turn to the report, 19th page, where the Committee of Merchants state that the average of the impost duties, as calculated at the custom-house, amount to 33⅓ per cent. on the prime cost of goods; on crockery and glass ware, hard ware, plated ware, silks, millinery, &c., 50 per cent. Here we have the record as a guide as to duties—and it was my duty to descend to that record and consult its pages.

The duties are divided in denomination into specific and *ad valorem* duties. Few articles pay specific duties—the great fund of revenue arises from *ad valorem* duties. These duties may be classed according to these rates. Previous to a declaration of war, the peace duties were, 1st. 12½, 15, and 20 per cent.; to these were added 2½ per cent. the Mediterranean fund. Doubled, since war, they stand—first class, 25 per cent.; add Mediterranean duty. 2½=7½;—second class, 30 per cent.; add the Mediterranean duty 2½=32½;—third class, 40 per cent.; add the Mediterranean duty 2½=42½.

The rates of *ad valorem* duties are fixed by law. The calculation is made by adding 20 per cent. upon the prime cost of all goods imported from the Cape of Good Hope or beyond. 10 per cent. upon the actual cost from any other place, including all charges which precede the shipment, commissions, outside packages, and insurance excepted. The prime cost: we will take the round sum of £100, and make the calculated export duties from Great Britain and inland charges, £6, to be added to prime cost=106; to this sum add 10 per cent. £10 12. The amount upon which duty, £116 12, is calculated for every £100 prime cost.

This calculation is not an arbitrary one. It is consistent with the law and the practice of the Treasury, only in most cases the Treasury does not add as much as 6 per cent. to the prime cost, as I have done in this case. Indeed, I have now two original invoices and a bill of lading, to prove that the ordinary charges which are added to the prime cost, and upon which the duty is calculated, does not amount to 6 per cent. Upon every £100 only prime cost, therefore, the charges and the 10 per cent. will make it £116.

1st. The duty of 27½ per cent. on £116 would be 32 per cent. on £100.

2d. The duty of 32½ per cent. on £116 would be 38 per cent. on £100.

3d. The duty of 42½ per cent. on £116 would be 49½ per cent on £100.

It is necessary to examine and find out the proportions of the importations on articles which pay these three rates of duty, of 27½, 32½, and 42½ per cent. upon prime cost, and the addition of £6 to each £100, according to the calculation at the custom-house; or, in other words, the articles paying upon the prime cost 32 per cent., 38 per cent., and 49½ per cent. Hollow glass ware, carriages, and parts of carriages, alone pay 49½ per cent. Hard ware, millinery, leather, and manufactures of leather, china, crockery, &c., pay 38 per cent. All other goods, principally wool, silk, cotton, flax, hemp, &c., pay only 32 per cent. Although the bulk of these articles paying the last estimated rate of duties, are enumerated by the Committee of Merchants from New York as paying 50 per cent.—making an average difference of about 17 per cent., which, taken from the gross amount of the charges which they stated amounted to 60 per cent. and upwards, will give them a profit of 17 per cent., more than was calculated. But I proceed with my calculation to find out the average of the duty upon importations into the United States. This can be done only by resorting to the annual reports made by the Secretary of the Treasury, which will give the amount of articles paying the three rates of *ad valorem* duty. But little time has been given, and I have commenced with the year 1804 up to the year 1810, both years inclusive:

Importations.	1st grade of duty paying 32.	2d grade of duty paying 38.	3d ditto. 49½.
In 1804	30,214,367	2,641,925	425,186
1805	33,506,584	7,248,629	405,470
1806	35,844,048	8,372,527	510,203
1807	36,264,874	9,484,682	526,112
1808	19,783,025	7,622,478	66,647
1809	19,658,378	4,783,116	313,712
1810	37,714,120	1,703,290	552,151
Years 7.	212,985,396	47,856,647	2,799,481

213 millions, paying 32
48 do do 38
3 do do 49½
264

The result of seven years gives us 264 millions' worth of importations, by adding a fraction of a million in each case for sake of round numbers.

Of that vast amount of 264 millions, three millions has paid 49½ per cent. duty; 48 millions has paid 38 per cent., and 113 millions has paid the lowest per cent. upon the prime cost, 33 per cent. To get hold of the average duty we must not take the duties alone, add them together and then divide by three; we must also take into the calculation the amount of articles paying the different rates of duty. The experiment has been made of the two last years, and of the three last years. The average duty upon the whole importations would be less than 33⅓ per cent. Therefore, the great bulk of the articles, and in fact all of the articles enumerated by the committee of New York, as paying 50 per cent. duty upon the prime cost, pay only 38 and 32, except hollow glass ware, and the average duty as calculated at the custom-house upon annual importations does not amount to 33⅓ per cent. So much for the first fact, which is proven variant from the understanding of the New York committee, by the laws of the land, the custom-house calculations, and mathematical demonstration. We will now pass to another allegation in the reported statement. It seems as if one of the New York committee stated that the greater part of the late importations of British manufactures were purchased in the Fall of 1819, and previous to 2d of February, 1811, the period when the non-importation commenced its operation. This statement was not made upon positive facts. It was a belief, an opinion expressed, and, as will appear, unnecessarily and too strongly expressed. These were the cases most entitled to consideration—and the want of evidence to discriminate, is a reason additional why we should refer this subject to some tribunal for examination, and you must give it to the Secretary of the Treasury, or you must create a new tribunal. The statement under consideration does not admit of arithmetical demonstration. We must resort to circumstantial and such positive evidence as we have on this point, and although it may not be sufficient to say what amount of goods lately imported were purchased and on American account and risk prior to the 2d of February, 1811, there is violent presumptive evidence to overthrow the opinion of the member of the New York committee, that the greater part was purchased.

The late importations admit of classification as to the time of purchase, as to the time of shipment, and as to the ownership of the property. As to the time of purchase: That which was purchased previous to February, 1811; that which was purchased after 2d February, and previous to the revocation of the British Orders in Council of 23d of June, 1812: and purchases made after a revocation of the British Orders in Council. As to shipments, vessels which left British ports for the United States before a knowledge of the declaration of war, and vessels which sailed after that knowledge. As to the ownership, 1st. That which was purchased either on credit or with prompt payment by American citizens, and shipped on American account. 2d. Goods shipped by British merchants to order and on British risk and British account until delivered to the American merchant in this country. I have already produced papers showing such a case, where the invoices, the bill of lading and the mercantile letter enclosed to a friend who was directed to deliver over the goods to a third person, upon the contingency of his being

in solvent circumstances. 3d. British property. There is no evidence to determine precisely the quantity of goods purchased at those different periods, but there are circumstances to establish the fact that a very small portion indeed was purchased prior to the 2d of February, 1811.

From an examination of custom-house returns it will appear that from ten to fifteen million of dollars worth of British merchandise was shipped into the United States previous to the 2d of February, 1811, and which was admitted to entry and exempted from forfeiture in consequence of the provisions of the act of March, 1811, which was intended to embrace those very cases. Independent of this, it was well known that application would be made to Congress for such a relaxation of the non-importation act.

There were other weighty inducements to the merchant to get home his property. He had paid the usual prices. The non-importation was to commence its operation on the 2d February, 1811; there was no prospect of a speedy termination of our differences with Great Britain; the exhausted markets of the United States offered a certain pledge of profit. Under these circumstances is it likely that ten million dollars worth of the late importations were purchased, paid for, put into warehouses, and there remained until 23d June, 1812? The enterprising and bold character of the merchant forbids such a supposition. Their conduct in general, I do not speak in particular, has not been timid, more especially when they have only come into contact with the commercial restrictions of the United States. This is not the only circumstance. We have it from the statement of Mr. Russell, that the revocation of the British Orders in Council was not an act of justice towards the United States, but as a relief to her numerous suffering and ruined manufacturers, who had stated that they had conditional orders from American merchants for vast quantities of goods as soon as the Orders in Council were revoked. Mr. Russell also states, that, after the revocation of the Orders in Council, the agents of American merchants were extremely active in making investments in British manufactures. It is a fact acknowledged that the state of exchange was affected by it—it fell from upwards of 20 to 14 or 15 per cent.—and that there was also a rise in the price of manufactures. Mr. Russell concludes with stating it as his opinion, that a very small portion of the late importations was purchased prior to February 2d, 1811. I have examined this fact, not as a judge or an advocate, but with a view to convince the committee of the necessity of a reference of this subject. The next fact I shall take up relates to the rate of profit, and here again we must have recourse to the best evidence in our power, and not the best the nature of the case will admit. The petitioners admit that they will make a handsome profit if their bonds should not be forfeited. If they should escape by a total remission of the forfeitures incurred, this handsome profit they allege will be from 5 to 10 per cent. above ordinary profit, and not including the discount in the rate of exchange between the United States and Great Britain. It is alleged that the rate of exchange ought not to be calculated as an extra profit, because within ten years it will balance itself. It is true that in ordinary times, the exchange will sometimes be above par, and sometimes below par, so as not to make any material profit or loss within ten or any given numbers of years. But, previous to the year 1811, for twenty years the discount has never been greater than ten per cent.—during the year 1811 it was 20 per cent. and upwards. The petitioners say from 10 to 23. Taking all the information I have read on this subject, the discount in some cases has been 28 per cent. If the petitioners will not call this discount a profit, I cannot help it, nor is it less true that the discount puts into their pockets so much money. I am not compelled to disbelieve my own senses; and if I see a bill of exchange purchased at a discount of 20 per cent., which is equal in value to its nominal amount, in vain may the purchaser say he makes no calculation of profit from such a speculation. He makes his twenty per cent. discount. The same advantage accrues to the exporter of produce to the Peninsula. The bills on England are invested in British manufactures to prevent a loss of 20 per cent. I have had reference to the reports annually made by the Commissioners of the Sinking Fund to ascertain the fluctuations of exchange.

A recurrence to this annual report, where the Government has made great annual purchases of bills on England with a view of paying the public debt in Europe, confirms the fact stated by the petitioners, that exchange was never known before to be more than ten per cent. discount, and that within ten years the balance is equal in ordinary times.

In 1804 exchange was from par to 2½ per cent advance, average 1¼; 1805, exchange was from par to 4 per cent. discount, average 3; 1806, at par; 1807, from 1 per cent. to 3 discount, average 2; 1808, from 3 to 6½ advance, average 4¼; 1809, from 1 to 4 advance, average 2½; 1810, from 2 to 5 discount, average 3½.

The opportunity of the seven years enumerated has alone been afforded for the want of time, which leaves a balance of one and a half per cent. in favor of the advance.

In 1811 from fifteen to twenty-five per cent., average twenty, from the best information, leaving on the side of discount eighteen and a half per cent. In 1812 from ten to twenty, average fifteen per cent., add to eighteen and a half makes thirty-three and one-half per cent, add to this the depression of British manufactures, from five to ten per cent. on an average since February 2, 1811. I have made these remarks and calculations, because the subject of profit was involved, not to make out a case against the merchants, but with a view of showing the necessity of referring them to the Secretary of the Treasury, where ample justice will be done them. If I am permitted to wander from the record, and I do not feel myself confined to any particular source of

information, I would give a calculation which would establish the extra profit of the importer at twenty per cent. above the usual profit. I would take the sales in Baltimore for £100 sterling in ordinary times say £240 currency, this year £300; the difference will be £60; converted into sterling it is £36 sterling on the £100; deduct the double duty £16, leaves £20 per cent. above ordinary profit. I will not venture to say what extra profit has been and will be made; it is not necessary to hazard the amount. I have established the point of a very considerable extra profit. The importers will not agree that they have made a great extra profit; they do not, however, deny the fact that the people have been compelled to pay the enormous high prices complained of. They say the jobbers, in other words the speculators and the retail merchants, have made these profits, but principally the jobbers. There would be no difficulty in procuring the testimony of retailers as to enormous prices paid to importers, and I presume the jobbers would not agree that they alone had imposed upon the people.

A variety of letters have been received by members and read as evidence, and *ex parte* affidavits, making out a better case for the merchants than they made for themselves. To read these letters and affidavits we might conclude that so far from any profit being derived from the late importations, that it had been really a losing business. I have seen several letters on the other side of the question; I could procure one from my friend from Pennsylvania, now to my right, another from a gentleman from Maryland, and I have in my hand one from the collector of Norfolk, all of which letters go to prove the great and exorbitant prices of goods obtained by importers, sufficient to cover their bonds. [Here the collector's letter was read.] But, sir, I have not sought testimony to make out a case, as if judgment was to be pronounced, or volumes might have been procured. What I have obtained has been a voluntary offering from respectable sources. As to letters in favor of the merchants, as many might be obtained against the declaration of war, if it was supposed they would be read in this body, to govern their decision. It has given me no pleasure to have been compelled to present this subject, as duty has compelled me. The situation in which I am placed is an invidious one, but called upon by duty, and obeying that solemn call upon a subject of so much magnitude, while I derive consolation in not having wantonly injured the feelings of the parties concerned, or those who differ from me in sentiment, I feel indifferent as to the opinion others may entertain of this policy, nor do I court the good opinion of any man further than it may be bottomed upon conscientious principles and correctness of conduct. Were I to consult my own feelings I might have remained silent. It may be thought by some that no part of the merchant's bonds should be exacted; that this great community should give up what is really due to them to those who have violated the law. The body politic—this great personage—has no identity but in its operation. It is not tangible, has no form to present itself to your view, to address your passions, to cloud your judgment, to weave itself into your tender mercies. But it is not less my duty as a representative of this great community not to abandon what I consider its most essential rights. I have nothing to disguise on this subject. This community, which has been taxed by these importers of British merchandise, is involved in difficulty, in a war which must continue until the present Ministry in England shall lose their power, or until the Republican party in the United States shall be turned out of their places. While this is the case, I am unwilling to fix upon them internal taxation until it become indispensable, nor to permit any portion of themselves to monopolize advantages without an equivalent. If the trading part of the community would not be satisfied with the measures of the Government, I would withdraw their capital from a disgraceful traffic with a foreign Power at war with their country; the war would be of short duration, and the people would pay any taxes you would fix upon them without a murmur. But when the agricultural and manufacturing part of our community have taken up the sword for commerce, and those immediately engaged in commerce opposing the war, they will not be willing to be taxed by that class of this people, and then taxed to carry on the war. In speaking of the opposition to the war, I do not intend to include many illustrious exceptions in the mercantile class of the community; but they will acknowledge that such *is the* fact generally, no matter what the cause, such *is* the unfortunate situation of the country; nor will one of them deny, that if we were now obliged to give up the conflict with Great Britain, our humiliation would be complete, and our independence at the mercy of the British Monarchy. Such has been the advances of the President towards a termination of the war, that if the Federalists were in power to-morrow they would not dare to give up the principle of impressment to Great Britain, unless they thought the people were ripe for monarchy. I have not said this because I think cases of individual justice or liberality should go by favor, and according to political tenets; no, sir, I have given testimony in this body, that party considerations do not govern me in cases of individual justice, nor in cases of liberality. I adduce it for the purpose of saying, the petitioners are not entitled to a total remission of the bonds, nor are they especially entitled to the mercy of this Government. Notwithstanding this, I am as unwilling to ruin the merchants as I am to abandon totally the just rights of this community. I am induced to vote for this reference, because the Secretary has said that he will not exact the whole of the bonds, nor will he remit them without condition. He will remit one-half; before the other is remitted, he will demand an equivalent for the extra profit which the importers have made. Why demand it? Because it is due to the non-importation act; because the

petitioners have enjoyed exclusive privileges; and these exclusive privileges have levied a tax upon the people. Who is, then, prepared to abandon this right of the community? Who is ready to tax them doubly, not on account of the war, but because we did not keep for them that money which was their due? I know, sir, upon questions of this kind we are called the friends and the enemies of commerce; and I have no doubt I am entitled to the latter denomination in the opinion of some. If, sir, to contend for the rights of this community even against great importing merchants is anti-commercial, I am that man. If, sir, to refuse to give up the non-importation act, and even to refuse to let merchants violate existing laws with impunity be anti-commercial, I am that man. If refusing to favor the merchants at the expense of the agricultural, and manufacturing, and laboring portion of the community, be inimical to commerce, I am the man. But, sir, if a willingness to expend the last of our treasure, and the last drop of our blood, for the neutral rights of the United States, will entitle me to be styled the friend of commerce, then I am entitled to this honorable appellation. If a determination never to give up the war, rather than permit our seamen to be impressed, and made slaves in the service of Great Britain, entitles any man to be considered the friend of commerce, then I am among the favored few. If, in fine, an anxious desire to place farmers, mechanics, and manufacturers on an equality, will shield any man from the odium of being unfriendly to commerce, then am I shielded. But, determined to discharge my duty at every hazard, I am not anxious where I shall be assigned by those who call themselves the exclusive friends of commerce.

Mr. Mitchill followed Mr. Johnson in debate. He said he did not rise so much with the intention of making a reply to the learned and eloquent gentleman who had just taken his seat, as to introduce a new proposition to the consideration of the Committee, for the purpose of unfolding which he asked the indulgence of a few remarks.

He said he was dissatisfied with the report of the standing committee of Ways and Means for two reasons: the first, in point of substance, that it did not provide any relief for the petitioners; and the second, that, instead of containing a sentiment or opinion couched in positive terms, it was expressed in negative language. For the House is told "that it is inexpedient to legislate on this subject," and that the petitions of the merchants, with the accompanying documents, ought to be referred to the Secretary of the Treasury.

Mr. M. declared himself to be of a very different opinion. In this he was not singular, for, if he construed aright the Executive Message of the 4th November, it was plain that the President of the United States believed it to be worthy of Congressional deliberation. In his communication he informs us that a considerable number of vessels, which were in England when the revocation of the Orders in Council by the Prince Regent took place, were freighted with British merchandise and despatched to our country, under an expectation, which turned out to be erroneous, that the non-importation act would immediately be rescinded. It did not appear proper in the judgment of the Executive, on unforeseen cases of such magnitude, to exercise the ordinary powers vested in the Treasury Department to mitigate forfeitures, without previously affording to Congress an opportunity of making on the subject such provision as they may think proper, hoping that in any decision they may make they will equally consult what is due to equitable considerations and the public interest.

Upon this expression of the President's mind, sir, this House has already acted, by referring it to one of the standing committees, and now this committee comes forward with a recommendation that the House should do nothing in the premises, and thereby declines to aid the officers of the Treasury and revenue departments, in such a weighty and perplexing occurrence.

But my desire to act upon this occasion and extend a friendly hand to the Executive, is confirmed by the letter of the Secretary of the Treasury himself. In his letter to the Chairman of the Committee of Ways and Means, he informs him, that of the forfeitures which have accrued, one half is by law vested in the custom-house officers or informers, and the other half in the United States. The power to remit the share belonging to the United States and to all other persons, in whole and in part, and on such terms and conditions as he may deem reasonable and just, is indeed reposed by law already in that high and responsible officer. But considering, as he tells us, the magnitude and unforeseen nature of the case, it was thought proper not to exercise that authority until Congress should deliberate upon it, and prescribe, if they think proper, a course of proceeding. Thereupon, all the petitions already received remain in a state of suspense, and, for the purpose of avoiding an unnecessary accumulation of cost, the petitioners or sufferers have been mostly advised to withhold their applications until the decision of Congress should be ascertained.

According to my conception of the matter, this business is fairly before us for our action as legislators. We shall be worthily employed in deciding upon it favorably here, and not exhibit the spectacle of a sport at political battledore between the Legislature and the Executive, who toss the great question of the petitioners backward and forward like the shuttlecock.

Believing, thus, the matter to be completely before us, from the President's recommendation, from the Secretary's notice, from the Chairman's report, and from the respect due to memorializing citizens themselves, I am desirous of showing why I think a measure of mercy and favor ought to be shown. And I shall arrange the observations appertaining to my present purpose under two heads: 1st. The equity of the case; and 2dly. Its policy.

On the equitable view of this case, I beg the attention of the Committee to the proceedings of our Government for a few years, relative to its commercial relations with Europe. After various misunderstandings and quarrels, concerning the rights of our citizens on the high seas, the privileges of neutral nations, and the increasing insolence and violence of the belligerents, Congress concluded it wise to withdraw from the scene of contention, and an embargo without limitation was enjoined upon our people late in 1807. This restriction was borne with almost unexampled firmness until March, 1809; a term of about fourteen months. It then became too irksome for a busy and commercial nation. The murmurs and discontents were too vehement to be resisted; and that plan, which, if it had been possible to have persisted in it, would have carried us triumphantly through our difficulties, was abandoned from necessity—and that necessity arose from a want of power in the Government to enforce it.

On the repeal of this was enacted the non-intercourse law against France and Great Britain; to which succeeded the memorable statute of May, 1810. This latter I ever considered as an unfortunate law for us; because it undertook to perform by an act of the Legislature what strictly and rightfully belonged to the treaty-making function of the President. By that statute we bound ourselves hand and foot, and in that condition presented ourselves to the unjust and the contemptuous belligerents to be untied.

By this we made a voluntary stipulation with the Power that sways the Continent of Europe, and that which rules the Ocean, that if either of them would so revoke his Orders in Council and decrees before March, 1811, as that they should cease to violate our neutral commerce, and the other nation should not, within three months thereafter, so revoke or modify her edicts, the provision of the act to interdict commercial intercourse, should be enforced against the Power so refusing or neglecting, after the expiration of three months from the date of the President's proclamation, as directed by law.

On this overture France acted, but in a manner so obscure and equivocal, that disputes arose concerning its reality. Our Government, however, considered the revocation serious and real; and the fact was officially announced accordingly. This brings us, sir, to November, 1810, the era from which we are to date the commencement of the three months allowed for England to act. We well remember that time, when month after month rolled away in anxious expectation, and at length the February of 1811 came; but without a corresponding overture on the part of the British Government.

Faithful then to its engagement, Congress passed the act supplementary to the act of May, 1810; and in March, 1811, and not until then, declared the provisions of the non-importation to be in operation against Great Britain only. But in this it will be remembered, Mr. Chairman, there was a salvo for all American vessels, and all merchandise owned by American citizens imported in such vessels as should have departed from a British port prior to the second day of February, 1811; and by this enlargement of the right to import, much merchandise was introduced, which would have been excluded, had the time been limited to arrivals on that day into a port of the United States. But it was at the same time equally clear, that this extension favored the man of bold adventure, rather than the respectable observer of his country's laws; and that a large part of those who were the best entitled to that remedial provision, were totally and unavoidably excluded from its benefits. In this way things progressed until the 18th June, when war was declared.

In the mean time, however, the British Government, availing itself of the regulations of our statute, did, on the same month, and without a knowledge of our law, revoke also, ostensibly, its obnoxous edicts. This revocation, though not satisfactory to the extent we hoped and wished, was nevertheless of such a character that I am bound to believe it would have kept amicable relations alive, and continued the commercial intercourse agoing, if the declaration of war had not intervened. I say, Mr. Chairman, if the act of the Prince Regent had been promulgated before the nation proclaimed hostilities, my belief is, we should not have measured swords with Great Britain at this time.

There can be no doubt that the British Government had a right to do as they did. Our statute gave them the full permission. What was the consequence? Why, sir, all classes of persons, high and low, gentle and simple, active and speculative, believed that the very thing was done, which our Government had sought. Every person holding funds in England, or possessing merchandise there, took measures for bringing them home. Yet, not satisfied with the universal impression, the merchants consulted the gentleman, who acted as Chargé d'Affaires for the country at the Court of St. James. And this exalted officer advised them without scruple to send home their property. This counsel seems to have been given under a full persuasion, that the penal and prohibitory statute would be annulled by the President, the moment the Prince Regent's declaration should be officially made known to him.

War had in the meanwhile been declared, and the Executive was thereby incapacitated to act. Yet, I appeal to the honorable and equitable feelings of this Committee to determine, whether the well-meaning and law-observing shippers, on this occasion, did not act as I and you, Mr. Chairman, and every other man of consideration and reflection, would have acted under similar circumstances?

I come, secondly, to the policy of granting relief to the petitioners. As I mean merely to introduce a proposition, and not to enter into a detailed argument, I shall be very brief.

The gentleman who preceded me has passed some severe strictures upon the mercantile character. I would wish him to retract or recon-

sider a part, at least, of his remarks. Merchants, I would have him to understand, are very much like other classes of society. They are governed by the same feelings, and actuated by the like principles. In some, the selfish disposition may predominate over the social, but even in such cases, the merchant does but resemble the farmer, the manufacturer, and the other classes of mankind. To say the most and the worst of them, they are very much like their neighbors.

The merchants have brought to the United States, say eighteen or twenty millions of property. This I admit to have been done against the letter of the law. When sinning, I am one who do not think that on this account they have sinned beyond forgiveness. No such thing. There is an equity of redemption held out to them, which may be exercised on the present occasion. And I hope Congress will conduct like a court of chancery its saving and interposing grace. I was one of those who during the last session was desirous of calling home the property of citizens abroad, as a war measure. I believed that the nation would thereby be strengthened; the individuals would get their property, and the Treasury a good store of revenue. Thus the private citizen and the public revenue would grow strong together, and by one and the same act. That measure, however, was thwarted at the time, and the permission to import was refused.

Now, sir, what has happened? Exactly that which might have been foreseen, to wit: that if you would not legitimate the importations, they would be made without your leave, and under such peculiar and imperative circumstances, that you must in conscience as well as in equity and policy yield to their force.

In urging the policy of extending mercy in this case, I beg you to look at the course of trade; we send freely abroad the products of our soil, although we feel a moral conviction that the greater part of the proceeds will centre in England, the emporium of the commercial world. It is perfectly well understood that Spain and Portugal cannot pay us either in specie or produce for the breadstuffs and other articles of human sustenance which we send to Cadiz and Lisbon, and that these exports are paid for to a great extent in bills upon London.

Consider, too, that, by several solemn votes of this session, we have refused to inhibit the exportation of grain. The motion made originally by the gentleman from New Hampshire (Mr. HARPER) and repeated since by the gentleman from Virginia, to keep our flour and meal at home to feed our own seamen, soldiers, and citizens, has been sturdily negatived. If then we export, I suppose it is intended to bring back the returns in a permitted and possible course of trade, for really I am not patriotic enough to make a gift of these valuable cargoes, either to the belligerents or to neutrals.

Again, sir, it may be questioned whether we ought to be excessively angry, at an event which has brought near twenty millions of property to the country, and six millions of dollars into the Treasury. This is in my estimation a fortunate and desirable event. The eastern breezes have floated it like a waif upon our shores, infinitely more precious, incalculably more valuable than a royal fish. I am willing to take the boon and make the most of it. A good prize in the lottery, however unexpected, is not the less a prize.

Besides, we have had the advantage, from these seasonable supplies, to clothe ourselves and our troops, and prepare one and all the better for encountering the inclement season, and carrying on the campaigns against the enemy in the North. The coatings, blankets, and coarser woollens, as the public agents inform us, have brought good prices to the owners, in consequence of the competition between the governmental commissaries and the private purchasers.

In this inquiry, it should all along be recollected, that our non-importation law is already and in fact defeated. Whatever inconvenience it was intended the enemy should feel and endure, by our refusal to receive his manufactures and merchandise, is, so far as the present importations go, frustrated. The deed is done. And the question is, not whether the foreign productions shall be admitted, but how, since they are already among us, the forfeitures and penalties to which they gave rise shall be disposed of. And, in this situation of the business, I for one am willing to act with lenity.

The circumstances of the petitioners are so pressing and peculiar, that I am totally averse to the Shylock severity of demanding strictly the pound of flesh. Remission and forgiveness seem to me to be preferable: and they will evince a magnanimity well worthy of our national character. In such conduct too there will be a conciliatory spirit, which will soothe and win the hearts of the memorialists and their friends. They cannot fail to love a Government which gives them such proofs of generosity. And thus we may calculate that one of the consequences of moderation in the case before us will be a strong, an undivided, and a hearty concurrence of these, with the other classes of our citizens, in giving money, supplies, and vigor, to the war we are waging for the vindication of our rights.

I have thus, Mr. Chairman, stated summarily a few of the reasons which incline me to believe it will be both equitable and politic to look with a favorable eye upon the applicants at the bar. Yet, as I did not rise to enter now into a minute discussion, but merely to offer some general observations for the purpose of introducing a proposition—I move, without proceeding further, as an amendment to the resolve reported by the Committee of Ways and Means, to strike out the whole after the word *Resolved*, and to insert in lieu thereof, the following words; "as the sense 'of this Committee, that the forfeitures and pen'alties incurred by those citizens of the United 'States who have given bonds for merchandise 'imported on their own account, and in Amer'ican vessels, from the United Kingdom of Great 'Britain and Ireland, since the 23d day of June 'last, ought to be remitted."

FRIDAY, December 4.

Mr. GHOLSON, from the Committee of Claims, presented a bill for the relief of James Anderson; which was read twice, and committed to a Committee of the Whole on Monday next.

A message from the Senate informed the House that the Senate have passed the bill "making an appropriation to defray expenses incurred, under an act, entitled "An act to authorize a detachment from the militia of the United States," with amendments; in which they desire the concurrence of this House.

The amendments were read, and referred to the Committee of Ways and Means.

MERCHANTS' BONDS

The House resolved itself again into a Committee of the Whole, on the report of the Committee of Ways and Means on this subject.

After considerable conversation, it was decided by the Committee, against the decision of the Chairman, (Mr. BASSETT,) that the amendment yesterday proposed, by Mr. MITCHILL, was in the nature of a substitute to the original proposition, and was therefore not in order.

The question, of course, recurred on the resolution reported by the Committee.

Mr. CHEVES rose.—He said he never rose to address the House with so much embarrassment as at this time. I feel anxious, said he, on the subject now before you, for the interests of those who present themselves as petitioners at your bar; for the principles of free government which I consider involved in the question to be decided; for the fate of that party connexion with which I am associated; and for the honor of Government, which I would preserve inviolate. I believe, sir, that no question has ever been presented to our consideration more extraordinary in its nature, and more important in its consequences. It has none of those marked characteristics which have heretofore distinguished legislation. It is at once legislation, and avoiding legislation; at once declining to express the opinion of the Legislature, and, in effect, delegating legislative power to decide on a question involving property to the amount of not less than forty millions—as I understand, said he, it will be contended by the gentleman from Pennsylvania. It is not an ordinary act of legislation; it is an experiment new, and before unheard of. It is an experiment on free government, on the forbearance and attachment of a large class of the people. It is a question of legislation, and yet it is only a reference to the Secretary of the Treasury. The gentleman from Kentucky says, with his usual fairness and candor, it is to allow the Secretary of the Treasury to exercise functions on this important case, which, he admits, were invested in him for minor purposes. But is this power to be exercised by the Secretary according to his own judgment? No, sir; the gentleman tells you without disguise he has secured his opinion; he knows the course he will pursue, and is, therefore, in favor of a reference of the subject to him. It is, then, an act of legislation we are called on to perform, and yet, it does not present to the country the grounds on which we act. Is it not a new and extraordinary proposition, to delegate to an individual a great portion of legislative power—to put into his hands the fate of a great portion of the capital of our merchants? Has such an act of legislation ever before characterized a free Government? I tremble for the consequences which will follow its adoption. It will shake the party with which I am connected from either extreme of the continent to its centre. It will alienate a part of them. It will show that a policy exists adverse to their interests, which first made its appearance in exclusive double duties; now, in an exaction of a part of the proceeds of honorable enterprise, and, I fear, will be followed by other acts of a similar kind. Sir, I repeat, I tremble for the consequences. Gentlemen must pardon me when I say we are *prone* to acts which "make the angels weep." How, otherwise, can we account for the course of policy which now prevails? Is it possible sir, that I, who represent persons deeply interested in the commerce of this country, can consent to unite in a decision of this nature? I wish to expostulate with gentlemen—to throw myself into their confidence—to induce them to believe I am in earnest. I am, sir. If I hope for honor or reputation in public life, I must acquire it with those who compose the majority in this House. Rise with them I may, fall with them I must. I am privileged, then, to expostulate with them, and to say that this is one of the most extraordinary acts ever presented to a legislative body for its sanction.

What is the state of the law in relation to the subject before us? It is alleged that the Secretary of the Treasury has full power over the subject, and that the Legislature has not; and, therefore, it ought to be referred to his consideration. It is admitted that our powers extend to one moiety of the penalty, but it is suggested as doubtful whether they extend to the other. But, sir, I have no doubt on the subject. I have examined it, and from the little knowledge I possess of the rules of construction, I say there is a power in the Legislature to remit the whole. I submit to those learned in the law if this be not the true construction. It is distinguished from those cases in which it is said the King has not the power to remit. It is to be recovered for the United States in the name of their officers, and it is only in the event of absolute recovery that the property becomes subject to the provisions of the act. What doubt can there be on the subject? If, then, we possess the power to remit, as I believe we do, why shall we transfer it? But, if the power be not complete, what excuse can be found for delegating the portion of it which we do possess? If it be an act of justice to remit these penalties, why put in the power of any individual, however high his standing, to pursue a different course? It is our duty not to commit the rights of our constituents to any individual. I admit the character of the officer to whom it is proposed to delegate this power to be as high and unexceptionable as that of any officer in the

Government; but, admitting this, I say it is a prostration of the rights of our constituents to submit them to his arbitration. I saw one of the petitioners when the report was first stated to him. His exclamation was not, "Am I to be subjected to these penalties?" but, "Am I to supplicate any individual in the community for my just rights?" These feelings did him honor, sir. They are such as the citizen should feel. But they are all prostrate, all forgotten, in the proposition before you.

But it is said there are a variety of cases, and it is impossible the Legislature should decide on them correctly; and they must, therefore, be referred to this gentleman, (the Secretary of the Treasury,) who has the means and capacity to decide on them. I deny that he has. It is a subject on which an act of grace ought to be passed by the Legislature. No human tribunal could do justice by minute and particular discrimination to all concerned. How is the Secretary of the Treasury more capable than this House? There are hundreds of cases. Is he to make a separate decision on each—to determine on the fraudulent and other cases, and their relative merit? Is he, in making such decisions, to receive evidence *ex parte*, or as a court of justice? Incumbered as he is by the other functions of his office, he must at last do what you must do, if he attempt to discriminate, adopt general principles of discrimination. And will you declare yourselves less capable than him thus to decide? A discrimination, such as is contemplated by the report, cannot be carried into effect but by the most humiliating compromise of justice on the part of the Government—of right on the part of the citizen. It must be a matter of conjecture. It cannot be a decision founded on investigation and the dictates of reason. You gain nothing, therefore, by the proposed reference. But, it is still said, as the cases of these petitioners present several classes, it is impossible for the Legislature to discriminate. I say it is quite possible, sir, to discriminate as far as it is important to do so. It is possible to leave all the cases to the decision of a judicial tribunal of the country, and for the Legislature to do what the Legislature of a free people ought to do—to grant your suffering citizens an act of grace. It is in your power to take such a course as shall distinguish between cases of your own citizens and your enemies, and this will be done by the resolution which I shall propose, if I have an opportunity of submitting it, which is as follows:

"*Resolved*, On viewing all the facts which have been presented, and considering them in connexion with the proper policy of a just, free, enlightened, and consequently lenient Government, under the circumstances of this country at this crisis, that, in all fair cases of *bona fide* American property, the penalties and forfeitures incurred by the late importers of British manufactures be unconditionally remitted."

Do you wish, sir, that the citizens who fairly hold their property should be mulcted for accidental violation of your law? No man desires it. In the resolution which I propose to offer, *bona fide* American property will be exempted and enemies' property, shipped as such, will be liable to forfeiture according to the law of the land and the policy of the Government, and this is surely the course which ought to be pursued.

The difficulties, then, which have been made to cover this question disappear; the advantages with which the course recommended by the committee has been clothed, appear not to exist; and the real question before us is, whether we will sacrifice so much of the property of our fellow-citizens as is involved in this decision, or whether we will, by an act of grace and liberality, discharge them from their bonds.

In the examination of this question gentlemen have assailed the testimony connected with this report. They have said it is the testimony of interested persons; that all interested persons are casuists, in their own cases; and that the witnesses have been so in the present case. The moral honor or integrity of the witnesses has not been impeached. The gentleman from Kentucky, with his characteristic liberality, has spared them such imputations, and, though it was not more than justice to them, I thank him for it. But is not this testimony such as is always received by a Legislative body? The gentleman, with an air of triumph, alluded to the testimony taken before the House of Commons in relation to the Orders in Council. Was that testimony taken on oath? I believe not, sir; it was, too, the testimony of persons, as the gentleman himself says, who saw ruin staring them in the face, praying relief. This is not, I hope, the case of the petitioners. The Legislature if it take anything from them, it is proposed shall only take their extra profits? They therefore speak less under the influence of interest than persons interested generally do. No Legislative examination has heretofore presented itself to you so fully entitled to belief. You have not merely the declarations of the petitioners, but also the testimony of persons not interested, on oath and not on oath. Every material fact is confirmed by the testimony on oath of disinterested persons. You have seen on your tables statements on oath of disinterested persons, confirming in every particular the statement of the committee from New York; others have been read to you by your Clerk. You have seen from Baltimore and from Boston statements of disinterested persons, affidavits and letters, which carry on their face the evidence of indubitable truth, all confirming the statements of the committees. I ask you, sir, what legislative testimony can be stronger than this? I ask, if the mere absence of the form of cross-examination is a sufficient ground for rejecting this testimony? I ask you, whether that testimony which would consign a man to the gallows, deprive him of life, liberty, property, and character, in a judicial decision, shall not here be received in evidence? No member of the committee, who looked at the gentlemen when they were testifying, could have doubted the general correctness of the testimony. The persevering and ingenious examination of a member of that committee put them to the test. If they had been incorrect in their statements,

the incorrectness must have been detected. But, gentlemen say, there is some inconsistency in their statements. Sir, no instance has ever come within my observation, where a number of persons were examined, but some diversity appeared in their statements. It is not given to human nature to be perfect. Let gentlemen examine the testimony and they will find no material variance. They may find, or suppose they find, in some unimportant particular, a difference in the statements of one and a half per cent.; they may find some enumeration of particulars which are not properly applicable to the cases before us, which is erroneous. But take the whole mass of testimony together, and I pledge myself it is substantially without contradiction. Let those who doubt on this subject examine for themselves, and I have no doubt of their entire satisfaction at the result.

I say then, sir, that the mass of the testimony proves that the great bulk of these goods belonged to *bona fide* American citizens, and were ordered or purchased long before the revocation of the Orders in Council; that they were also either paid for before that time, or with money deposited in England before the revocation, and were shipped in pursuance of orders to ship when it should be legal to do so, or were shipped by persons on the spot, who had no reason to doubt the legality of such shipments. It has been proved, also, that the average sales were not more than 75 per cent. in advance of the prime cost. Let the members of this House examine the facts. I pledge myself for the substantial accuracy of that statement, that the average advance on these importations has not exceeded 75 per cent. It will be found that the charges and duty frequently amount to from 60 to 65 per cent.; and, excluding some charges which are not invariably incurred, are from 50 to 55 per cent. giving a profit, excluding charges not invariably incurred, of from 20 to 25 per cent.; and leaving a profit, over peace times, of from 5 to 10 per cent. Gentlemen may find particular instances of greater profit, but they are counterpoised by sales at cost charges, and the result I do aver to be as I have stated. And if this be the case, I contend that so many of the petitioners as are American citizens and *bona fide* proprietors of the goods are men entitled to the humane interposition of the Legislature, and that it will be worthy of this House to interpose in their behalf.

I will not further discuss the question of proof, except merely to advert to one or two particulars respecting which some observations fell from the gentleman from Kentucky yesterday. He said it was impossible for gentlemen unacquainted with mercantile concerns to detect the errors or casuistry of gentlemen who were; but, that if he could discover one error, it was fair to infer there were others. If, sir, one material error in these statements could be discovered, it would be sufficient indeed to excite the suspicions of the House, but not to condemn the statements which have been made, because all general statements must contain some inaccuracies. The gentleman's rule therefore will not hold. But if on the face of the testimony, in which the gentleman thinks he discovers errors, there is a refutation of his supposed discoveries; what shall we say? or if it will be found that the gentleman is as much wrong in one statement as he supposes they are in another, will not the one error counterpoise the other, and cancel the objection derived from it, even if proved? I think it will.

The committee state the average of the lowest duties at 33⅓, the highest duties at 50 per cent. Now, sir, I state that the several classes of permanent peace duties ad valorem, are 12½, 15, and 20 per cent. A duty imposed as a war duty, by an act of last session, doubles these, and makes them therefore 25, 30, and 40 per cent. Add to these the Mediterranean duty of 2½ per cent., and they stand at 27½, 32½, and 42½ per cent.

In calculating these duties, according to the usage of the custom-house, the gentleman says, those at twelve-and-a-half give a result of thirty-two, those of fifteen give a result of thirty-eight, and those of twenty give a result of forty-nine and-a-half on the prime cost of the goods imported. I acknowledge that the gentleman is correct in all these statements. He says the statements of the merchants are inaccurate, inasmuch as they say that the lowest duty is thirty-three and a third per cent. What difference, then, does he think it proves? A difference of one and one-third per cent. If there be an error of this small amount, can it be so material as to discredit the whole mass of testimony received? Admit that all the testimony discovers no greater inaccuracy, would not the mind of every man in the House be satisfied of the justice of the relief they claim? If there be no greater difference in the testimony from the fact than that supposed by the gentleman between thirty-three and one-third and thirty-two, then is the testimony substantially accurate. But the gentleman is mistaken. If he will look at the report again, he will find it stated that the average of the lowest duties, as calculated by the custom-house, is thirty-three and one-third per cent. What, sir, is meant by the average of the lowest duties? It is not an average of one, but the average of the low duties, as distinguished from the highest duty. It is not, therefore, the lowest duty that is spoken of, but the average of twelve-and-a-half and fifteen per cent. duties. The average is therefore higher than the lowest duty. And my honorable friend, with his excellent understanding, the acuteness he has acquired at the bar, and the wisdom with which his experience in the Senate has graced the whole, is entirely mistaken. My honorable friend is wrong in his first proposition. Is it not, then, fair to presume he is in others; and to excuse the petitioners for slight variations, when even he has fallen into error? The object of the committee of merchants was to state, that there were two great classes of duties; that the highest duty was fifty, and the average of the lowest duties thirty-three and one-third per cent. It is admitted that they have erred in an unimportant specification of articles. It is not true, for instance, that iron-mongery pays a duty of fifty per cent. It is true,

as the gentleman has stated, that it pays thirty-seven or thirty-eight. But it is true that there is a class of duties at fifty per cent., and that the lowest duties do average thirty-three and one-third. The result of the average of equal quantities is greater, but the result of the average of actual importations will place it precisely on the footing which the committee have stated. Take, for instance, a particular year. I speak, like my honorable friend, from the documents of the Treasury. In the year 1807, there were imported goods to the amount of $36,260,000, liable to a duty of twelve-and-a-half per cent; in the same year, $9,480,000, paying a duty of fifteen per cent. The average of equal quantities at these duties, as now increased, is thirty-five; but, in the year stated, about four-fifths were imported, paying a peace duty of twelve-and-a-half, and one fifth paying a like duty of fifteen per cent., which gives an average result, as the duties now stand, of thirty-three and one-third per cent., as stated by the committee. If gentlemen will minutely examine the facts, they must be satisfied, as I am, that every material part of the statement of the merchants is practically correct. The only error which the gentleman from Kentucky has proved, namely, that certain articles, enumerated by the committee from New York, do not bear a duty, as calculated at the custom-house, of fifty per cent. on the prime cost, has no real or practical effect on the question before you, to a material extent, because the goods imported consist almost altogether of different articles. There was no interest, and therefore could have been no intention to deceive; there was practically no deception, because the erroneous statement did not affect the question.

In relation to the extra profits, which are made to form so important a part of this discussion, the gentleman says that, according to a rule of law, the largest sum should be taken in exclusion of the average of the sums given; that the extraordinary profits are admitted to be from five to ten per cent; and that, according to the rule alluded to, ten per cent. is to be assumed as the extra profit. Now, sir, I cannot recollect any rule of law by which the gentleman is authorized to assume the largest sum instead of the average result; the last I take to be the rule of law and the rule of reason, likewise applicable to the question; the extra profit would then be seven and a half per cent; this will be the extent of the claim of the Government, if it insist on this partnership in the profits. But, while the highest sum stated by the merchants is assumed instead of the average result, it is denied that even this reaches the truth; and it is alleged that these extra profits are much greater. But is this anything but vague suggestion? If I were to enter into a minute examination of the evidence on which we are acting, I could prove that all the statements of the merchants give this result, and confirm each other. For example, they have stated their profits to have been from ten to fifteen per cent., and their profits on the late importations to be from fifteen to twenty per cent., giving a result of from five to ten per cent. as their extra profit. But you are told that the merchants have derived an extraordinary profit from the depression of bills of exchange on England. They tell you that this is never brought into a calculation of profits on importation, and that, in a given number of years, it really yields no profit; that there are instances of exchange being as high as ten per cent., above par, and that then no additions were made to the usual advance. But, sir, the profit on exchange, if a profit has been enjoyed, has resulted from a distinct operation, and ought not to be amalgamated with the profits of importations, no otherwise than accidentally connected with the act of depositing money in England through the means of a profitable process of exchange. But the gentleman says, they get this profit, in fact, and could not have realized it but through these importations, and therefore it must be brought into calculation. Without admitting the correctness of this conclusion, let us see what this advantage amounts to. Now the proposition is, that we should take the extra profits. But, it appears that exchange had been as low, under ordinary circumstances, as ten per cent., and as the claim is only to the extra profits, in other words the profits not enjoyed in common times, our inquiry must be, how much do the late profits of exchange exceed ten per cent.? The evidence before the House shows that exchange has varied during the period of restriction from five to twenty-two and a half per cent. discount, and gives an average of thirteen and three-fourths; and, in corroboration of this result, a very sensible and candid letter, among the printed documents, states this advantage to be about fourteen per cent. The advantage, then, beyond that of ordinary times, is but three and three-fourths or four per cent.; and combine this with the extraordinary advance obtained upon the sales of the goods imported, and, together, they make but eleven per cent. And is it this for which the Government is contending?

I am now enabled to quit this fatiguing detail, and come to examine the subject in a general point of view.

It is said to be a violation of the restrictive system. My honorable friend from Kentucky says, this is one of the strongest arms this country has; that this assertion is proved by the examinations had before the House of Commons; and that this measure ought not to be relaxed or abandoned, which would be done, he says, by a remission. How is the value of this system proved? By distress said to have been, and which no doubt was, experienced by the manufacturers in England. But, although particular manufacturers ascribe their sufferings to our measures, yet it ought not to be concluded that the general distress results from this cause. It is disproved by circumstances. Some years ago, when we imported more largely than we would do now, if no restriction existed, we took one fourth of the gross exports of British manufactures, and we exported again, to markets supplied by themselves, one-third of that fourth, leaving but one-sixth for our

own consumption. Let me not be misunderstood. I do not deny that we are immensely valuable customers, and that our restrictive system has caused her considerable distress, but I deny that it has caused that overwhelming distress, if such distress exists, which the gentleman has intimated. If it does exist, it proceeds from other causes. I contend that we suffer from this measure a greater degree of distress than they do. Our suffering is greater, and more sensibly felt in the loss of revenue and in the loss of the affections of our people; a loss infinitely more to be deprecated than the loss of trade or money. Who, sir, are the distressed in England, who are said to have become such from this measure? Some manufacturers, an inconsiderable portion of the people. Who in this country? All persons engaged in or connected with commerce, a portion comparatively infinitely more numerous. It has broken the spirit of the country—it has rendered those most warmly attached to the Government almost disaffected. There is one-third of the people of this country interested in commerce, or closely and intimately connected with it, who are totally opposed to this policy. If we alienate from the Government of England, in her manufacturers, one-twentieth of the people of that country, we, at the same time, alienate from our own Government one-third of our own people. It is a policy, if it were generally correct, peculiarly inapplicable to our people and Government. The question under it is, who can suffer most? and here, thank God, they have the advantage of us. They are accustomed to suffering, we are not; that Government has the power to inflict more from its natural vigor; we have neither the power nor the disposition, I hope, to try our strength in this way. There is no doubt, if we confine our views to the effects of this measure on England alone, that we will be convinced of its power and efficacy; there is nothing of which so partial a view would not give a favorable impression. But if there are advantages in the non-importation system, on the one hand, there are on the other greater disadvantages. It puts out one eye of your enemy, it is true, but it puts out both your own. It exhausts the purse, it exhausts the spirit, and paralyzes the sword of the nation. But how did my honorable friends treat this system at the last session of Congress? Did they not themselves agree to let in fifteen millions of value of British manufactures, to obtain five millions of revenue? Where, then, sir, was the policy of your restrictive system, when these same gentlemen would have suspended it to gain so much revenue? Gentlemen, then, themselves gave up the system, and yet they now talk of the sacred character of this policy. It was given up on the first day of the session. It was given up yesterday. It is given up whenever you refuse to prohibit exportations. It is idle to talk of free exportation and a prohibition of importation. How else are your returns to be effected? The whole annual produce of the mines of Mexico and Peru, the whole specie circulation of Great Britain, would not furnish returns for the exportations of this country for a single year of prosperity; and yet you talk of unrestricted exportations and a prohibition of importations. Yes, sir, adhering to the latter policy, you have already twice or thrice, in this session, said there shall be no more exportation law; and you were right, because it was a system of self-torture; it produces, indeed, an infliction of pain upon your enemy, which, comparatively, can scarcely be called considerable, while it throws yourselves upon the rack of excruciating torment. But, I ask again, how can the policy of the restrictive system be spoken of in such terms of approbation and admiration, when gentlemen were not only willing to give it up, but have actually given it up more than once? I am astonished at this incessant cry of the policy of the restrictive system, and an inviolate adherence to it when it has been relaxed every year since its institution. It must be a most extraordinary system. Gentlemen treat it as some nations do their idols. Sometimes they worship, and sometimes they flog them. So it is with my honorable friends, who alternately venerate and despoil this great system of policy. They were willing to abandon it to raise a given revenue, and now that the revenue has been obtained by an unintentional infraction of it, they say it is too sacred to be touched with impunity. I never hear the word "restriction" named in the Hall of Congress without being alarmed. It is greatly to be lamented, for the sake of the country, that this subject is so frequently agitated. Now the farmer is threatened, then the merchant. The country had not yet recovered from the alarm which was caused by the resolution of the honorable gentleman from New Hampshire, (Mr. HARPER,) to prohibit the exportation of the great productions of the soil—a resolution which, like the comet that lately visited our region, affrighted and dismayed the wondering people, but which, like it, had passed away, we hoped, not again to appear in our time—when the resolutions of my honorable friend from Virginia, (Mr. NEWTON,) numbers one, two, three—I forget how many—followed in rapid succession, and, like the tail of that great meteor, hung over us, giving signs of dire and ominous portent. These, to your farmers, are as pernicious as the plagues of Egypt. To your cities, the proposition on your table is more terrible than the pestilence with which they were, not long since, smitten by the judgment of God, inflicted in his wrath, but by his justice; which made the dwelling where health, and joy, and gladness, and general prosperity, had blessed the inhabitants, a charnel-house, and sent forth "the frequent corpse" through the deserted streets, accompanied by no living creature, save the patient drudging animal which bore it, and the lone sexton, who committed the dust of the body to the repose of the tomb. Yes, sir, even this was a more tolerable calamity to your cities than would be that plague upon your table.

What ought to be the policy of a Government like ours, at a crisis like the present, when we should have but one heart and one hand? Surely this is not the way to unite us. When, sir, you

wish me, coming from the seacoast, to salute my fellow-citizen from the West as a brother, do not present him to me in the character of one exacting from me harsh and unmerited penalties. In spite of my perfect conviction of the benevolence and justice of my honorable friend from Kentucky, I must consider them as harsh and unmerited penalties, though even by him inflicted.

It is said, however, in support of the proposition on your table, that it is not unjust that the merchants, having gained this extraordinary profit, without the sanction of law, should be compelled to refund it. I have shown you, sir, in the course of this examination, what that profit was; that, from a fair and liberal construction of the testimony, it was but seven and a half per cent., and that to this might be added three and three-quarters per cent. for the extraordinary gain upon bills of exchange. Now, sir, the policy which this Government has pursued has been so variable, and, at the same time, so destructive of the present operations of commerce, as doubly to distress the mercantile part of the community—it has of course distressed these petitioners; it has tied up their hands for three years past, while they have been obliged to keep up expensive establishments, not yet quite deserted by the hope of better times, in expectation of some change; and this profit of eleven per cent., which fortune, and not your wisdom or kindness, has thrown into their hands, you are called upon to take from them. But have they really profited? Will they be gainers or losers, in the course of their trade, in the event of your permitting them to retain it? They will be losers greatly if you relinquish the whole. And, sir, shall we take from them that pittance which not your good will but fortune has given them; that which their spirit of adventure has given them, and in obtaining which they were not cherished or supported by you?

But, it is said, that though Government should take this, the consumer pays it, and it will come from the pockets of the country. My honorable friend from Kentucky stated a fact, I believe from a document of the Treasury, of which I have no doubt, that two-thirds of the people of this country are clothed in homespun. And where are those two-thirds to be found? On the margin of the seashore or in the cities? No, sir, the other third, who consume foreign manufactures, live in cities, on the margin of the seashore, and pay the whole. They pay the double duties and the extra profit, and not those out of whose pocket the gentleman would have you believe it comes. The consumer prays you not to inflict these penalties. Those who have paid it entreat you not to take this profit from the merchants; they say, let them keep it; they deserve it. And will the Government under such circumstances object?

But, sir, does not justice require the remission of these bonds? These merchants have done what your policy failed to do. They have given you three great advantages; they have given you twenty millions of capital, which will probably be loaned to the Government, if applied for in a proper way; they have given you five millions of revenue, which is already secured to the Government; and they have given you clothing for your army in spite of yourselves. Shall they then, after having incurred great risks in doing all these things which are so advantageous to the country, have fines inflicted on them for the good they have done? The proposition is unreasonable. Would gentlemen wish that the Treasury should not have been filled; that the capital of the country should not have been brought home? That the Army should not have been clothed? Surely not. And under what circumstances were these importations made? Under the sanction of Government; under its advice, as far as it was possible to obtain it. You are told by the Minister of your country, our resident in England, that he did advise the merchants to make these shipments. Now, I beseech you, sir, put yourself in the situation in which these persons were placed. Residing in a strange land, who would you ask to construe the laws of your country? The confidential agent, the worthy representative of that country, the man who has done honor to himself and to it by his conduct—he advised them to import—and why? Because he believed that in so doing he was co-operating with the great policy of the country. He advised the shipment. What is requisite to be known to establish the innocence of this transaction? That the merchants shipped under the impression that the law of non-importation would be repealed. Such was the impression of the agent of the Government. Was the merchant, whose information is necessarily circumscribed, and whose daily drudging fills up the measure of his time, to set himself up in opposition to the confidential and well informed Minister of the Government? The important fact that the merchants shipped under the impression of the legality of such shipments is further proved to you. The language of the letter of Mr. Monroe to Mr. Russell made the continuance of the non-importation act entirely dependent on the duration of the Orders in Council, and states that it will be immediately suspended on the revocation or necessary modification of the Orders in Council. But that is not all, sir. Who are the memorialists? Persons who reside in this country, who gave orders not to have the goods shipped till it should be legal to do so. But their agents in England have been mistaken. Those who supplicate you for a remission of these forfeitures never contemplated a violation of law. They are entirely free from every kind of imputation of intention to violate either the letter or the spirit of the non-importation act. Those who are to suffer did not direct, and could not control, the act for which they are to suffer.

But it is said there are several classes of petitioners, and that, though some may be innocent, all are not equally free from imputation; that some of them shipped after the declaration of war was known. Well, sir, if we take the testimony of Mr. Russell, they are equally excusable with others. He did also advise shipments at that time.

It would have been ruinous to the proprietors to have retained them; it would have deprived the nation of twenty millions of capital; it would have deprived you of five millions of revenue; it would have deprived you of supplies of clothing for your army. Was not the advice of Mr. Russell correct? Would you not to-morrow grant permission to bring home so much property so situated, if it would yield equal advantages? You would indeed practise a most extraordinary policy if you did. You would to-morrow authorize the act; and yet you would inflict a penalty for an act which you could not refuse to sanction. What would have been the case with this property had it been suffered to remain in England till the termination of the war? Do gentlemen expect the war to terminate to-morrow? No, sir, it will continue for years, I fear, if it continue till the principles for which it was commenced be obtained. The most conciliatory propositions have been rejected; we have nothing to hope on the ground of a speedy peace. Then, sir, why will you make a distinction between the different classes of shippers? The one shipped believing the act not forbidden by the laws or policy of the Government in a fair and honorable pursuit of gain; the other, under the belief that it was the duty and the disposition of the Government not to inflict on them the penalties of a law which certainly in its origin did not contemplate such a case, with a view to save their property from inevitable destruction, and themselves from probable ruin. It is also attempted to discriminate by the periods of purchase between those purchases which were made before and those made after the revocation of the British orders, and the first are considered as the favored class; but why should they be so considered? The first, purchased at a time when the shipment was forbidden, and known to them to be forbidden, with the hope of a change—from change of policy or an accommodation of the differences between the nations; the last, under a belief that the laws of their country did not forbid them to ship them immediately. They have equally violated the letter of the law, and are equally innocent of an intentional violation of its spirit. But those who purchased after the revocation believed that in the purchase, as well as the shipment, there was no law of their country which denied them the full advantage of the speculation in which they were about to engage. If, then, you discriminate at all, it must be in favor of those whom gentlemen, from their arguments, seem least disposed to relieve. But they are all in effect on a footing; because all stand on a footing of perfect equity, and an attempt to discriminate would be repugnant to that equity.

But it is contended, that this is a case in which it is right to aid the revenue of the country by taking a portion of the profit of the merchants. I say, sir, if it were just, it would be impolitic, because you would not thereby in fact increase the financial means of the country. It is a dangerous experiment in finances, as well as in legislation. You open a source of revenue, indeed, but it is one which only drips, and is drained in a moment, and you close the great fountains of resource, and stop the free streams of perennial supply. Show to the commercial part of your people that they are not regarded in a less favorable view than the rest of the nation, and they will supply the revenues you want by lending you their wealth; but, if you exact from them their little gains, will they assist you? No, sir, they will not.

What is the real advantage we are to promise ourselves from this new operation of finance? The Government, it is proposed, should get, perhaps, eleven per cent. on the amount of *bona fide* American property imported—say that the whole amount of property of this character is eighteen millions, as some have supposed, and it will give you only two millions of dollars. Take the arguments of gentlemen who endeavor to prove that not the half of this amount is American property, and these are the arguments of those who propose this financial expedient, and it will put but one million into your Treasury, whilst it will withdraw from you the confidence of the only class of people to whom you can look for money to carry on the war. Can there be any equivalent in one or two millions of dollars to counterbalance this loss? And here let me say, while using this language of the Treasury, that, I trust in God, no man who may be thus consigned by this House to the Secretary of the Treasury, to await his decision and to supplicate his clemency, will so far forget what he owes to his own true interests, and to his character as a free citizen, as to give any equivalent for that sum of money which may be demanded as the Government's share of the profits! I would rather see the objects of the war fail; I would rather see the seamen of the country impressed on the ocean and our commerce swept from its bosom, than see the long arm of the Treasury indirectly thrust into the pocket of the citizen through the medium of a penal law. We might suffer all these disasters, and our civil liberties would yet be safe. That principle of our Government would still be preserved, which subjects the purse of the citizen to no authority but a law so plain that he who runs may read. How are the exigencies of the Government for the next year to be supplied? That portion of them which is provided is rather the result of accident than forecast. Is the deficiency to be derived from taxes? No. I will tell gentlemen who are opposed to them, for their comfort, that there will be no taxes imposed for the next year! It was said last session, that you would have time to lay them at this session, but I then said it was a mistake. You now find this to be the fact. By your indecision then, when the country was convinced they were necessary, you have set the minds of the people against taxes. But were it otherwise, you have not time now to lay them for the next year.

What ought to be our course under these circumstances? Accident having thrown five millions of dollars into the Treasury, has supplied

the place, and precluded the necessity of taxes for the ensuing year. It has furnished a basis of credit, and the balance must be supplied by loans. We should now, by an act of grace, conciliate those who have money to lend. But it is said we cannot conciliate them. I do not mean by conciliation, an endeavor to induce those who are opposed to the party in power to abandon their political opposition. I mean only to conciliate them so far as to make them see and feel that the Government feels tenderly for their interests; that they are equally favored and protected. So much is recommended by our best policy, while it is the just claim of political opponents, as well as political friends, in a free Government. The Treasury may be supplied by acquiring their confidence, without their political support and co-operation. I only say that we must not disgust the moneyed interest of the country. No Government like ours can support a war by direct impositions, or any other revenue raised within the year. It must rely on its credit for a great portion of the ways and means of carrying on a war. This is the theory on which it was proposed to act the last year. This is the theory on which the war was commenced. The great source from which you must draw is the commercial wealth of the country. And yet you are called upon to shut up and choke the channels through which alone it can flow into your hands. This would be, as it were, to bank in the periodical floods of the Nile—and would to God it were as little practicable—and prevent them from spreading their fertilizing qualities, and making their precious deposites on the adjacent lands. Commerce and agriculture may be aptly compared, said Mr. C., to this noble river and its floods. The last, like commerce, would not indeed exist, without the mighty stream, the symbol of agriculture, which flows silently and majestically within its banks. But this great river, which, in song and story, has, in the nakedness of truth, exhibited more splendor than fable and fancy could have lent, without these attendants, would have descended to the ocean "unhonored and unsung." Memphis and Thebes would not have been, and even the starry heavens, beaming only on the corporeal, would long have given no light, and afforded no charm to the mental eye. So no cause has contributed so much to the civilization of man and the improvement of every art, and every science, as commerce. Without commerce we should be simple shepherds or barbarian hordes. I deny not, Mr. C. said, the virtues of the agriculturists; they are generally, perhaps, greater than those of any other class of society. But the mercantile people of this, our own country, are inferior to no set of people on earth; they carried into effect your embargo, notwithstanding its occasional violations by some unprincipled men, with more vigor and strictness than all the *douaniers* of France, or all the navy of Great Britain could have done in any other country. Such is the character of your merchants; but if you inflict penalties on these men, who have refused to violate your laws and become smugglers, you will put them out of the commerce of the country, and those profligate men who are ready to violate every law you may enact, and who disregard every obligation of morality or religion, will supersede them. The general policy of every free Government, as well as the particular policy and circumstances of our own, forbids the course proposed to be pursued. The general practice and experience of free Governments discountenance it. Can gentlemen point to anything like it in the history of free Governments? I know there are examples, but I find them in the history of tyrants and of arbitrary governments. I find them in the history of Henry VII, and in that of his celebrated agents, Empson and Dudley; yet, in an arbitrary government, they were given up to the indignation of an injured people, and history has execrated the acts as peculiarly abominable, even in the conduct of a tyrant. Let gentlemen discriminate between the cases if they can. In either case the law has an operation which the Legislature never intended; in either case, the Treasury is to be filled. But say, if you please, that this is a doubtful case; that it is not assuredly clear that these penalties ought to be inflicted; what ought to be our course? To demand or exact anything in a doubtful case? No, sir, because the Legislature of a free Government has no right to act on doubtful principles. Few men will have confidence enough to deny that this is, at least, a very doubtful question on the part of those who would inflict the penalties; it would be so from its novelty alone. Sound policy, then, would recommend an act of grace.

I will add one word more on the subject of commerce, rather out of place. One of the most distinguished Kings of England, whose reign exhibits the greatest exploits in the history of that nation, among which are numbered the achievements of Cressy and Poictiers, Edward III, was believed by the good people of his realms to have discovered the art of making gold: for it was to them otherwise inconceivable how he supplied his treasury. He raised armies, equipped fleets gained mighty victories, conquered kingdoms, and spent vast sums on internal improvements: such demands, it was thought, the art of making gold alone could supply. The historian says, no. *He cherished commerce.*

Mr. Roberts next took the floor. He observed that he might, with great truth, state that he felt equal embarrassment with the gentleman who had just sat down, (Mr. Cheves,) in rising on this question. To the considerations occasioning that gentleman's embarrassment, he felt superadded the duty of touching points, and possibly feelings, that nothing but a sense of duty could induce him to attempt. This duty the gentleman (Mr. C.) had made, if possible, more imperative by applying observations to former Congresses, as well as to those who may incline to adopt the report, which, while he should repel with regret, he hoped to meet with firmness.

The argument, Mr. R. said, had already taken a wide range. The resolution, though simple in

its principles, is shrouded and obscured by a train of documents couched in technical obscurity, and resting on very unsatisfactory foundations. The gentlemen, he observed, who had preceded him against the report, had not very successfully dissipated this perplexity. It has become especially necessary to sink down to first principles, to apply the pickaxe to clear away the rubbish, and to tear the veil of technical mystery from this, he readily admitted, important question. It is an inquiry which I freely confess but a few days ago I was little conversant with. Some members of this committee may very possibly have entered on the deliberation without an intimate acquaintance with it also. His object was to familiarize the Committee of the Whole with what the select committee had in a degree become familiar with, rather than to attempt to place the subject in any new or imposing attitude. My honorable friend from New York, (Mr. MITCHILL,) yesterday told you, Mr. Chairman, that this was an affair of bonds—mortgaged—and that he would not take the pound of flesh, Shylock-like. I must beg leave to differ with the gentleman. I do not consider it an affair of bonds, nor do I want the pound of flesh. The case is not one of contract; far different is its character; it is an infringement of penal law. The party for whom the gentleman (Mr. CHEVES) invokes your compassion and entreats your grace, as suffering citizens, stand before you confessed, the voluntary violators of your penal laws. They come not to ask cancelment of their obligations as legitimate bondsmen, pleading a set-off against their conditions. Their true character is that of confessed violators of the laws, praying a remission of penalties incurred by infracting them, wishing to offer extenuating evidence. This committee, Mr. R. said, are not sitting here as parties to a bond or a mortgage, but as a high tribunal; who, if they act at all, ought to act with special regard for the good of the great community, as well as individual right and interest. They ought to weigh with solemn deliberation the high and responsible nature of their duty. They ought to decide, unawed by fear, unbiassed by compassion, and uninfluenced by any considerations but those pertaining to immutable justice. Need I remind you, Mr. Chairman, that the statute broken was the deliberate, the legitimate act of the Representatives of a free and enlightened people. It was a law not hastily adopted; a law ratified and confirmed by the approving voice of a great majority of the citizens; a law persisted in by a subsequent Legislature; nay, almost re-enacted by them, designed to effect a great national benefit; to give us what is so much desired by the gentleman from South Carolina, (Mr. CHEVES;) so much desired by us all—a free, unrestricted, and prosperous commerce; a thriving agriculture, and the unlimited exercise of our national rights. Is the execution of such a law to be held up to scorn and opprobrium by an invidious comparison with the capricious, the wicked, the arbitrary exactions of one of the meanest and most odious of the tyrants that have occupied the English throne? Is the Tenth Congress to be ranked with the covetous and rapacious Harry VII? Or, are there any within these walls meriting to be likened unto the Empsons and the Dudleys, the execrable panders of his avarice? The gentleman's zeal must have overcome his usual liberality. My esteem for him will not allow me to think but that, upon reflection, he will be disposed to retract this unwarrantable imputation. A Congress of the United States to be charged with compounding penalties to feed the public avarice, like the fell instruments Harry VII found within the purlieus of the bar? The idea is impossible.

The non-importation act and its supplements, (I repeat it, said Mr. R.,) were designed to effect a great public good. The penalties were provided to prevent crime—not to raise revenue. The great end of all penal sanctions is to destroy the motive that would lead to the incurment of these penalties. Let us beware how we whet that motive by an indulgent interference, alike forbidden by the great principles of public policy, the settled principles of law, and even equity itself. If in a single case the law had been broken, no one would have invoked your grace for the delinquent. Can extent of infraction heighten the claim to your liberality? Too much importance has been given to the number, wealth, and usefulness of the importers. I am willing, said Mr. R., to allow them their full merit. I feel no hostility to them, more than I can fear their resentment if justice be done to the nation. Those who have appeared for the importers, admit that the export and import trade are not in the same hands—and, that the sale of imports is again divided between the jobbers and the retailers; so that really the importers form a much more inconsiderable portion of the people than the gentleman from South Carolina asserts they do. But, admitting they form one-third of our population, how does it alter the question? One-third of the people may have an interest in violating the laws; two-thirds may have an interest in their being regarded—whose interest in this case ought to yield? I hope, said Mr. R., the committee cannot be influenced by such argument, though imposed with all the graces of elocution. The committee stand charged with the conservation of the public rights and the public interests on the one hand, and with the dispensation of public mercy on the other. To do justice is a delicate task, but happily not a difficult one. All that is necessary for the present is, to let the law be administered according to its original intendment.

Mr. R. said he had endeavored to show, that if we act at all, we are not called upon to decide a question of bonds. The bonds are involved, and it may be well to inquire whence they originated. The importers have derived a benefit from them which they could not have done if the law had been duly executed. "All the prohibited merchandise" (says the Secretary of the Treasury, in his letter to the Chairman of the Committee of Ways and Means,) "restored to claimants, has been so restored by order of court, without any other interference but a forced acquiescence on the

part of the executive officers." Among the printed documents will be found a circular letter from the Comptroller of the Treasury, addressed to the several district attorneys, dated the 15th of May last, instructing them "to oppose every motion for the restoration to the claimants of prohibited merchandise under seizure." Mr. R. said he recurred to this paper with much gratification, as the soundness of the argument and perspicuity of the style are as creditable evidence of the talents of a friend he very much respected and esteemed, as the promptitude with which this arduous duty was discharged is honorable to his official character. We may well stop to inquire if the judges have undertaken to legislate in this case. The powers they sometimes exercise in the administration of civil jurisprudence are equivalent to legislation, and no small portion of our municipal code is thence derived. All thoughtful and observant men must have looked on this stretch of judicial authority with serious concern, but we had yet to learn that any judge could be found bold enough to wrest penal legislation out of the hands of the Constitutional authority. But of this we can better judge when we shall have read the letter. I crave the special attention of the Committee to its contents:

[Here Mr. R. read and commented on the letter, recurring to the law as illustrative of it.]

Thus, then, (he continued) either by a maladministration of the law or by a mistake of its meaning, in the face of positive instructions from the law officer of the Treasury, not more worthy of respect from their emanating from such authority than for the conclusive reasoning accompanying them, some of the district judges went on to restore the seized merchandise, thereby destroying the penal operation of the law to a high degree, and benefiting the importers, by restoring to them not only their vested capital but even goods on British account to an immense amount. It put, beside this, into their hands, exorbitant profits in addition to all. Thus originated the bonds, and thus have they already benefited the importers; and yet this is not enough, the bonds, must too be cancelled and an act of indemnity passed, not more to glut the avarice of the importer than to cover the judges from censure and amenability. So far from the intervention of the bonds having made the matter less serious, as my friend from New York (Mr. MITCHILL) supposes, from the manner of their origination they present insuperable obstacles to a remission of the penalties. Gentlemen may say if the bonds are unlawfully taken they are not recoverable. With this, said Mr. R., I do not trouble myself; if it be so, we may hope there is too much integrity in this committee to indemnify such inequality. The gentleman from South Carolina (Mr. CHEVES) has dwelt with peculiar emphasis on the circumstance that some of the select committee who are disinclined to remission were at the last session for suspending this law. I, said Mr. R., was one of those who voted for its suspension; I have to plead error of judgment, for so doing, to the nation. I afterwards felt happy in having it in my power to vote against the reconsideration of the question to suspend. I was then led into error by listening to such arguments as are now offered in favor of a remission of the penalties since accrued under that law. Experience ought to learn us to estimate them better. We were then told, as we are still, our restrictive laws were inoperative on the enemy; that they were destroying our own prosperity uselessly; and that they were demoralizing our people by the temptations they held out to fraud, and that an immense amount of American capital could only thus return home. The pretended revocation of the Orders in Council and the subsequent shipments prove all these assertions to have been egregious errors. I am confident that a remission of the penalties incurred by the importers of British merchandise, as gentlemen wish, would be even a greater error than a repeal or suspension of the act at the last session. Under such a state of things, the country would have been in a better state than it will be if we now remit. There would have been a full importation; there had then been no monopoly, no extortion of millions from our consuming population. The gentleman from South Carolina has appealed more to the passions of this committee than to their sense of duty. He proclaims the report novel in legislation, but he has not attempted to prove it by fair deduction and reasonable argument. For the Legislature to step in and to wrest the administration of the laws out of the hands of the judicial tribunals would not be a novelty only, but it would be to sap all confidence in the stability and justice of the Government. All that is contemplated by the report is to secure the administration of the laws from interruption. If there be anything for Congress to do, it must be after the executive and judicial branches of the Government shall have executed the laws. The gentleman says, with great emotion, that he trembles for the consequences, if we do not, by an act of more than doubtful propriety as to principle, and most clearly unjust in its effects, indemnify the voluntary violators of the laws. The cause of his fears lies in the wealth, in the number, the weight, of the importers. If, sir, the mercantile class of our citizens, if an inconsiderable section of that class, can drive the supreme legislative authority with fear and trembling to suspend the laws and vote extorted millions into their pockets, then may we all, to use the gentleman's language, tremble for the fate of the nation. Happily, however, we cannot fear for this—our Government is representative. Its foundations are laid in the happiness and its superstructure is supported by the affections of the people. Every class and every interest of the citizens can have redress of grievances, but none will be allowed to tower above the law or to coerce the legislative authority by threats and mandates, while sacred justice and the settled principles of government lie prostrate. The gentleman from South Carolina (Mr. CHEVES) commenced his observations like a skilful orator, however he may have failed to sustain them as a sound logician. He came to the debate with his feelings warmed, he seized

the point best calculated to secure attention. The novel, the immense, the dangerous powers the report would leave in the hands of the Secretary of the Treasury, has been spoken of with concern and alarm, if not with horror. A citizen has been painted suing and supplicating one of your officers in despite of his pride. The person of the officer is artfully made to put the majesty of the law out of sight, when in fact all the powers given by the law to the Secretary of the Treasury have the character of mercy. If used at all, they must be used to soften the judgment of the courts of law; and when used, the Legislature may, on all occasions, supervise and extend them if necessary.

Mr. R. said it was only left for him to glean this field, as his friend from Kentucky (Mr. JOHNSON) had already reaped it with the hand of a master. The gentleman from South Carolina (Mr. CHEVES) has spoken of the amount of property involved in this question. He stated it correctly at near $40,000,000, including costs, charges, and profits. The Secretary of the Treasury gives the prime cost of the late importations as returned to his office, a part of which is on estimate, to be £4,000,000 sterling, which is, to say in round numbers, $18,000,000; the charges on which are fifty per cent, and the whole profits more. I mention this sum, said Mr. ROBERTS, to present a whole view of the subject. Amount cannot alter the principle before us; but the prime cost is not half the value of the goods which by law have been forfeited to the Government. Through the instrumentality of the courts, by means of the bonds, the forfeitures have been more than half given up; the only remedy for which, if it were proper not to mitigate, would be a recovery of the treble damages provided in the law. The cost and charges on the late importations will be found to raise the amount to $27,000,000; on which, if fifty per cent. extra profit be assessed and given up to the violators of the law, we may form some estimate of the benefits derived to the enemy, and those who have dealt with them. The importations are divided by the Secretary of the Treasury into five classes; the amount of each of which separately it is difficult to ascertain. It has been argued by the gentleman from South Carolina, (Mr. CHEVES,) that the great mass are of the first and most innocent class. When I come to that part of the subject, I shall draw different conclusions. My convictions are that the three classes invested on American account, subsequently to the revocation of the Orders in Council, are much the most considerable, and indeed that a great amount, if not the greater, arrived in the United States really British property and on British risk. The profits of the importers or the coverers of this British property over importations in times of peace, cannot be less than $9,000,000. Taking the statements of average sales from interested sources, we get this result; and many reasons exist to show it is even more. Give the gentleman from South Carolina (Mr. CHEVES) his statement, that the importers form one-third of the people, and why should Congress vote them a bonus of from nine to ten millions of dollars, extorted by monopoly from the consumer? Not surely because they have voluntarily broken the law and relieved the enemy.

It has been pretended by those who have preceded me, that agriculture and commerce are mutually dependent. Generally they are; but if, in a time of common privation, the bonus of an odious monopoly is about to be voted to a section of merchants, out of the pockets of the other classes of society, a confliction of interests arises. Such an one exists to an aggravated degree in this case. The relief given through these importations to the enemy, must prolong the war. Revenue is the sinew of war; and to force the consumer to pay first enormous profits to monopolists, and then to require him to pay his full proportion of war taxes, is too great a departure from justice to be tolerated for a moment. The interests of the many must ever be regarded in preference to those of the few. Here, then, we have many millions of forfeitures, that justice to the community will not allow to be wholly remitted, and in which even the gentleman from South Carolina admits that Congress cannot interfere except through the intervention of the Secretary of the Treasury. Yet an unwarrantable distrust produces in him a fearful anxiety. In his trepidation he would break in upon the settled administration of law—the stable principles of government. He would wrest suits out of the hands of the judicial tribunals, and give them, with the exercise of the prerogative of the Executive, to Congress. In the classes of importation there are circumstances attached that would justify mitigation in some cases more than others. The mitigating and remitting power, left where the law has placed it, can be equitably applied. The officer can call for and examine the best evidence; he can refer to original papers; compare dates, and defeat frauds. Gentlemen do not pretend Congress can do this. But they would remit all under the great head of American property; the rest, it is to be presumed, they would confiscate. They have, however, given pretty strong evidence that on their plan they would find little British property. The bonds have all been put into American hands, and from the confidence the gentleman from South Carolina (Mr. CHEVES) has placed in the allegations of the importers, we may discover his impressions. I do not well comprehend how he is to arrange the detail of his law. Some tribunal must investigate the character of the merchandise, and would not the gentleman view with equal sensibility the same powers exercised somewhere that the law at present contemplates? At least there is little difference between us as to the principle and administration of the law. We are all for allowing a qualified remission—to obtain that the parties must be brought before some authority. The gentlemen from New York and South Carolina are ready to remit much further than we think justice to the community will allow. Extraordinary profits can be claimed on no colorable ground growing out of the in-

fraction of a law calculated to redress the injuries of the nation, the policy of which has thereby been very much set aside. The law was produced by a system of spoliation and piracy on our lawful commerce, and violence done to our national rights, which had long been obstinately pursued by the British Government. Her power to wrong and annoy us grew out of a most prosperous commerce—that commerce was bottomed on a most extensive and successful system of manufactures. When she had turned a deaf ear to our diplomatic appeals to her justice, it became necessary for us to appeal to her interests. These last appeals have at length resulted in war. The efficacy of those first adopted, of a pacific character, are however no way diminished. It is well known that the sinews of our enemy's strength lie in her manufacturing ingenuity and industry, and that she can be made to feel the weight of our just vengeance only on her counters. The profits derived from a partial surrender of the non-importation policy cannot be justly given up to the violators of the laws; but they ought to be applied to strengthen the belligerent appeals of this nation to British interests to procure a speedy and honorable peace.

[It being late in the day, Mr. Roberts having acquiesced in the motion of Mr. Smilie to that effect, the Committee rose, reported progress, and obtained leave to sit again.]

Saturday, December 5.

Mr. McKim presented a petition of Commodore Joshua Barney, on behalf of himself and the owners, officers, and crews, of sundry private armed vessels of war, "praying to be considered as claimants to all property proven to be enemy's property, found on board of vessels sailing under the American flag, having on board British manufactured goods, coming from Great Britain to the United States, and under the protection of British licenses, which have been captured by them, or that they may participate as '*informers*' in the seizure and condemnation of the said property under the non-importation act."—Referred to the Committee of Ways and Means.

STATE OF THE FINANCES.

The Speaker laid before the House a letter from the Secretary of the Treasury, covering his annual report on the state of the finances of the United States, made in obedience to the act to establish the Treasury Department.—Referred to the Committee of Ways and Means.

The report is as follows:

In obedience to the directions of the "Act supplementary to the act entitled "An act to establish the Treasury Department," the Secretary of the Treasury respectfully submits the following report and estimates:

1. *To the end of the year* 1812.

The actual receipts into the Treasury during the year ending on the 30th of September, 1812, have consisted of the following sums, viz:

Customs, sales of lands, arrears, repayments, and all other branches of revenue, amounting together, as will appear more in detail by the statement (E) to - - - - - - - - $10,934,946 90

On account of the loan of eleven millions of dollars authorized by the act of March 14, 1812 - - - - 5,847,212 50

Total amount of receipts - - - - 16,782,159 40

Making, together with the balance in the Treasury on the 1st of October, 1811, and amounting to - - - 3,947,818 36

An aggregate of - - - - - - 20,729,977 76

The disbursements during the same year have been as follows, viz:

Civil department, including miscellaneous expenses, and those incident to the intercourse with foreign nations - - - - - - -		$1,823,069 35
Army, militia, volunteers, fortifications, arms, and arsenals	$7,770,300 00	
Navy Department -	3,107,501 54	
Indian department -	230,975 00	
		11,108,776 54
Interest on the public debt - - -	2,498,013 19	
On account of the principal of do. -	2,938,465 99	
		5,436,479 18
Amounting together, as will appear in detail by the statement [F] to -		18,368,325 07
And leaving in the Treasury, on the 30th September, 1812, a balance of		2,361,652 69
		20,729,977 76

The statement [E] exhibits in detail the payments made by the Treasury Department for the several branches of the military and naval expenditure during the same year, (from October 1, 1811, to September 30, 1812,) and also during the two last months, (October and November, 1812.)

The receipts for the last quarter of the year 1812, on account of both revenue and loans, are estimated at $9,000,000; and the expenditures (including about $1,500,000 on account of the principal of the public debt, and $1,000,000 for the militia) at nearly the same sum.

The sums obtained or secured on loan during this year, amount, so far as has been ascertained at the Treasury to [a] - - - - - - $13,100,200

Of which there was received prior to October 1, 1812, as above stated - - -	$5,847,212 50	
Received or to be received prior to January 1, 1813 - -	6,202,987 50	
To be received in January and February, 1813 - - -	1,250,000 00	
		13,100,200

It will also appear by the statement [F] that this sum was obtained on the following terms, viz:

[a] The amount was stated in the President's Message, at the commencement of the session, at eleven millions of dollars. The other two millions have been contracted for subsequent to its date.

For six per cent. stock, irredeemable until January 1, 1825, and afterwards redeemable at the pleasure of the United States		$7,415,200
On temporary loans at the rate of six per cent. a year, and reimbursable as follows, viz:		
In 1813	$1,350,000	
1814	750,000	
1817	50,000	
		2,150,000
For Treasury notes bearing an annual interest of five and two-fifths per cent, and reimbursable one year after date		3,535,000
		13,100,200

From the present demand, it appears probable that the residue of the Treasury notes, authorized by the act of 30th June last, and amounting to $1,465,000, will be disposed of prior to the 1st of March next.

It may be proper also to state that notwithstanding the addition thus made to the public debt, and although a considerable portion has been remitted from England, and brought to market in America, the public stocks, which had at first experienced a slight depression, have been for the last three months, and continue to be, at par.

Year 1813.

The net revenue arising from duties on merchandise and tonnage, which accrued during the year 1810, amounted to $12,513,490.

The net revenue arising from the same sources which accrued during the year 1811, amounted, as will appear by the statements, (A and B,) to $7,902,560.

The same revenue for the year 1812 is estimated at $12,500,000, of which sum about $5,500,000 arise from duties on the late importations from Great Britain.

The custom-house bonds outstanding on the first day of January, 1813, and falling due in that year, are estimated, after deducting bad debts, at $11,250,000; and it is believed that the probable amount of receipts from that source into the Treasury during the year 1813, may be safely estimated at $11,500,000.

The sale of public lands north of the river Ohio, during the year ending on the 30th September, 1811, and after deducting the lands which have reverted to the United States have amounted, as appears by the statement (C) to 390,000 acres; and the payments by the purchasers to $790,000. The Indian wars may affect the sales, and perhaps to a certain extent the amount of payments. It is, however, believed, that that branch of revenue may, together with some other small items, be estimated for the ensuing year at $500,000; making the whole amount of probable receipts into the Treasury for the year 1813, exclusively of loans—$12,000,000.

The expenditures of that year are estimated as follows, viz:

1. Expenses of a civil nature, both foreign and domestic		$1,500,000
2. Public debt, viz: Interest, including that on new loans of the years 1812 and 1813		3,300,000
Reimbursement of six per cent., and deferred stocks, and of temporary loans and Treasury notes, falling due in 1813, and estimated amount of purchases of stock		5,200,000
		8,500,000

3. Military Establishment:

The estimates of the Secretary of War are, with respect to the Army, predicated on the employment of the whole force authorized by law, and amounting to thirty-six thousand seven hundred men of every description. Adding to this the expense incident to the service of volunteers and militia, and also the increase of pay of the Army, the appropriation for arming the militia, and $400,000 of the unexpended balance for fortifications, the whole contemplated expense may be estimated as follows:

Army—Pay, subsistence, bounties, clothing, and hospitals	9,350,000
Ordnance and armories	1,850,000
Quartermaster's Department and contingencies	2,500,000
Fortifications	900,000
Arming the militia	200,000
Volunteers and militia in actual service	2,000,000
Indian Department	200,000
	17,000,000

4. Naval Establishment:

The estimates of the Secretary of the Navy are predicated on the employment of the following force, viz:

Commissioned and warrant officers	871
Petty officers, seamen and boys, viz: For 9 frigates and 9 smaller vessels	3,620
For 200 gunboats and other vessels	7,000
Marines, including officers	1,869
	13,360

And the expense is estimated as follows, viz:

Pay, provisions, and medicine	3,290,000	
Ordnance	100,000	
Repairs, contingencies, and navy yards, adding the annual appropriation of $200,000 for timber	1,125,000	
Marine corps	410,000	
		4,925,000
Amounting altogether to		$31,925,000
The receipts on account of the revenue having been estimated at		12,000,000
Leaves a balance to be provided for by loans		19,925,000

Of this sum more than one million is already contracted for, and there remains on hand a balance of about a million and a half in the Treasury notes not yet disposed of. An authority to issue new notes for about two millions and a half more, being the amount reimbursable in 1813, will still keep the whole amount issued at five millions, and reduce the amount of the loan to about fifteen millions of dollars.

In order to facilitate the loan, and perhaps to improve its terms, it may however be eligible to leave some discretion in the Executive as to the respective amounts of stock and notes to be issued; which may be advantageously varied according to circumstances, without increasing the aggregate of both.

The preceding estimates do not embrace the expense incident to the proposed increase of the navy, nor any other expenditure not yet authorized by law. In order to meet any new expenses which may thus

be authorized by Congress, it will therefore be necessary to increase the loan to a correspondent amount.

The sums received, or to be received on loan during the calendar year 1812, have been stated at	$12,950,200
The payments on account of the principal of the debt during the same year, though not yet precisely ascertained, may be estimated (so far as ascertained on the 1st of December, at the Treasury) at	2,350,200
Making the actual increase of debt during that year	10,600,000

It appears, according to the preceding estimate, that the whole sum to be borrowed during the year 1813, will amount to about twenty millions of dollars; and that the payments on account of the principal of the public debt will exceed five millions; making the actual increase of debt during that year $15,000,000.

Of the revenue which will accrue during the year 1813, and on which the receipts of the year 1814 will principally depend, it is not practicable at this moment to form a correct estimate. So far as may be inferred from the experience of the short period which has elapsed since the declaration of war, it is not probable that the revenue derived from customs will exceed the amount of $5,500,000, at which it had been estimated in a former communication. The duties accrued, or which will accrue, during the last six months of this year, after deducting drawbacks and expenses of collection, are estimated at less than $9,000,000; which, deducting about $5,500,000 on account of duties on the late importations from Great Britain, and one million for the duties on importations from Calcutta and China, would not leave more than $2,500,000 for the ordinary revenue on those branches of commerce which are permitted by law, and from which the United States will not be nearly excluded by the law.

All which is respectfully submitted.

ALBERT GALLATIN.

TREASURY DEPARTMENT, *Dec.* 1, 1812.

MERCHANTS BONDS.

The House having again resolved itself into a Committee of the Whole, on the report of the Committee of Ways and Means on the petitions of the merchants for a remission of their bonds,

Mr. ROBERTS said he rose to ask a further hearing from the indulgence of the Committee, under an undiminished embarrassment. Were he to allow his inclination to guide him, he should most certainly leave his argument unfinished. The asperity of controversy was at no time grateful to his feeling, and it is the more irksome, as it must be applied to antagonists to whom his respect would hardly allow him to use the full latitude of the freedom of reply. Considerations of indispensable duty only held him to his feet.

Among the papers, said Mr. R., accompanying the report, is a letter from the Secretary of the Treasury to the Chairman of the Committee of Ways and Means. This letter was received in consequence of a request of the committee through their chairman, that the Secretary would communicate the facts within his knowledge relative to the late importations of British goods. The committee confined their call on the Secretary to facts, by excluding a part of the original motion, requesting a disclosure of such other views as he might think proper to give. The worthy Chairman, said Mr. R., has been pleased to express great sensibility as to the question of suffering the Secretary to exercise his mitigating and remitting powers in this case. He has insinuated too, in reply to my friend from Kentucky, that the majority of the select committee, having discovered the sentiments of the Secretary, were disposed to obtain in the way the report might be made to operate what they would not as a Legislative body propose to do. For myself I can state, that I know nothing of the Secretary's opinions but what may be drawn from his correspondence. In the letter I am about to read, the Secretary was called upon for facts, and while he met their wishes in a disclosure of facts, it was not easy to avoid saying what in his mind merited strong belief. Facts are stubborn things, and will wear none other than their own features—but matters of belief may be made to submit to coloring. I call the attention of the Committee, said Mr. R., to those parts of the letter which show the Secretary's feelings towards the petitioners, in order that they may judge whether the repugnance of that importer to appear before him, which the worthy Chairman has so impressively noticed, can have any justification. The payment of my bond, said that gentleman, I care not for; but that I must submit to pray, to supplicate to any person—it is this which wounds my soul. One would suppose the laws had erected a dire tribunal, where the judge was not only inexorable, but that he was predetermined to disincline to mercy, the fairest attribute of power. Let it be remembered, said Mr. R., the report goes not to change the course of the administration of the law, it goes not to lessen the mercy-dispensing power, it goes not blindly to reward guilt where the object ought to be the protection of innocence, it goes to support the stable operation of your "penal sanctions," to temper justice with mercy. [Here Mr. R. read a paragraph from the Secretary's first letter.] "It is believed that by far the greatest 'part of the shipments were made in conformity 'with previous orders from merchants in America 'to their correspondents in England, by which 'these had been instructed to make such shipments 'whenever a revocation of the former British 'Orders in Council should take place, it having 'been presumed by the American merchants that 'such a revocation would, by virtue of the act of 'Congress of the 2d of March, 1811, produce a dis-'continuance of the prohibition to import British 'merchandise into the United States." Could, said Mr. R., a stronger evidence be given that if the mind of the Secretary has any bias it is entirely in favor of the importers? He believes that far the greater part of the importations have been made in conformity with previous orders. Unless strong facts should oppose themselves, he is bound, by this belief, to act—he stands officially committed. On this fact too, stands very much their claim to mitigation. Mr. R. then turned

to the three last paragraphs of the letter. In the first of these it is said, that though in some cases sales may have been made not only to cover prime cost, but charges and duties, and even the whole amount of the bonds; yet the supposition that sales have been so made generally, is, he says, believed to be greatly exaggerated. Here then, is another instance where the mitigating power, as then advised, believes what the petitioners say is fact, and if it be fact, is greatly important to their wishes. The letter, said Mr. R., goes on to state it as an indisputable fact, that the importations are so far short of former annual importations and of the annual demand, and that in the sales more than usual profits have been realized. The difference is a tax levied on the community by those who have imported contrary to law, and is solely due to the operation of the non-importation act.

The Secretary states further, that of the forfeitures accrued, one-half is by law vested in the custom-house officers and informers, and the other half in the United States. The power to remit the share of the United States and of all other persons, in whole or in part, and on such terms as may be deemed reasonable and just, is by law vested in the Secretary of the Treasury. These sir, said Mr. R., are facts arising out of the operation of the law, which I had believed there could be no doubt of in the mind of any one. The worthy Chairman has suggested doubts of them, not as wholly applicable to himself, but as resting somewhere. He has not, however, given these doubts much weight by argument; he has rested them on little more than mere suggestion. The Secretary speaks without reservation as to his power over the case, on the broadest basis of equity. I do not claim a tame acquiescence in his opinion without further inquiry. But, said Mr. R., I call the attention of the Committee to this point, the more expecially as my honored friend from New York has been pleased to say that he understood both the President and Secretary as doubting the powers of the latter. Considering the magnitude and unforeseen nature of the case, says the Secretary, it was thought proper not to exercise that authority until Congress had taken the subject into consideration, and prescribed, if they thought proper, the course to be pursued. This course then has not been adopted by the Executive from any doubt of authority, legitimate and ample, over the subject, nor from any fear in the head of the Treasury to incur the awful responsibility the duty would impose. Of my powers I have no doubt, says he, and that if Congress do not act I am ready for my duty, must be inevitably inferred. The subject, in my opinion, has been brought before us by the President from a respect for the high conservative character of the supreme legislative authority; from a respect for the opinions of the immediate Representatives of the people, for which, on all occasions, he has been distinguished as regardful; and let me add too, I believe, to a deference for public opinion, and a tenderness for the feelings of that class of citizens, whose private interests are immediately involved. I touch not, said Mr. R., the point, whether Congress can interfere, except through the intervention of the Secretary's mitigating and remitting power, as to that half of the forfeitures which goes by law to officers and informers; my friend from Kentucky has touched that point, and it will be further elucidated by my friends who are to follow.

I am willing to admit, in argument, that our jurisdiction over the principle is absolute, and that the case in the hands of Congress is as clay in the hands of the potter; and yet, I contend, to remit that portion of the forfeitures which belongs to the United States, would not only be outraging what justice to the community at large requires, but, in my mind, the act would incur the guilt of deep iniquity. I will now, said Mr. R., call the attention of the Committee to another letter of the Secretary of the Treasury to the Chairman of the Committee of Ways and Means, in answer to a request of the Committee, for such further and other views as he might think proper; but I beg you to mark, sir, with this condition annexed, at the suggestion of the worthy Chairman, whether, in his opinion, the importations had not been actually and materially advantageous to the Government. Thus requiring a judicial officer to disclose his impressions on a subject he might have to adjudicate, and one which I am sure he ought. In this truly delicate situation, how does the Secretary act? You have all the important facts, gentlemen. I cannot present the object in any new or other views. Here Mr. R. read the letter. We discover no disposition here, said Mr. R., to put the the advantages out of sight; they are admitted in their fullest extent. But, then, mark, after admitting the advantages, the Secretary stood as the administrator of the laws, he was not the advocate of the importers, but the servant of the people; his opinion being given as to advantages, to let them go before the world, without the other side of the picture exposed, might have served the importers at the expense of public justice, so far as public opinion might have been thereby affected. It was necessary to put in array the disadvantages. And what are they? These advantages have been forced upon you, contrary to the legislative will, as expressed at the last session. The policy of your laws has been set at naught. Your penal sanctions have been broken (as the gentleman from South Carolina would say) "in spite of you." If the gentleman has got anything by his interrogatory, let him take it. Let me, Mr. Chairman, said Mr. R., call your attention to the case of the Calcutta vessels, incidentally introduced by the Secretary, as illustrative of the condition of cargoes from the British Isles. In the act of the 5th of July, Congress gave a practical construction to what is called the non-importation act. The merchandise was admitted on condition of being warehoused, and remaining subject to the future disposition of the Government. In the face of positive instructions from the Comptroller to the District Attorneys, to resist a restoration of the seized merchandise on bond, accompanied with, I may say, with-

out hyperbole, a most lucid and conclusive exposition of the law; in the face of the construction of that authority of which this committee form a respectable member, have some of your district judges departed, and that too under the occurrence of a case in which an appeal from the decision of an inferior court—nay, the most inferior, held by a single judge, was impracticable. Thus, have the violators of your penal laws, of peculiar sacredness, been more than half indemnified by the act of a few district judges—for, be it remembered, that a few only are concerned. If there were no other reason against a remission, it is sufficient to make it utterly unadvisable that that remission would go to set at naught, in some measure, the responsibility of the judges, who have so strangely, I will not say criminally, acted. They now stand liable to punishment. Now, sir, said Mr. R., to the last point in the Secretary's letter. "Upon the whole," says he, "I continue 'in the opinion submitted, with great deference 'to the committee, that the one half of the for-'feiture which would otherwise fall to the share 'of the collectors, ought to be remitted, but that 'with respect to the one half belonging to the 'United States, justice to the community requires 'that, when remitted, at least an equivalent may 'be secured to the public for the extra profit be-'yond that on common importations which arises 'from the continuance of the non-importation act." And, so say I, said Mr. R. Here then we have the Secretary's opinion on the vital question within the purview of this authority under the law. One half, ought to be remitted—the decision is made. It is irrevocable. Were it on file in the Treasury Office—nay, were it executed—it could not be more binding, if the law be left to operate. One half, all you ask, gentlemen, is unconditionally granted. What of the rest? When remitted, that at least an equivalent may be secured for public use for the extra profits. Will the worthy Chairman tell my friend from Kentucky we have penetrated the views of the Secretary, and that we are seeking by covert means and a negative report to authorize him to agree to a humiliating compromise? No, sir, I am sure on better consideration his correctness would not admit it. The Secretary has given his opinion not to the majority of the committee in secret, but to the whole committee sitting in public; to this House in Committee of the Whole; to the nation, and to the world. In that opinion the extra profits are forfeited to public use, and that it would be injustice to the community to give them up. What these profits are, the Secretary could not know; and he has wisely forborne to estimate—that must be the result of laborious investigation and patient inquiry. As a judicial officer, the Secretary has forborne to estimate the amount till it shall become his duty. It has now, sir, become my duty, said Mr. R., and I fear not to perform it. I submit my estimate of the extra profits, under the fullest persuasion that it is below the real amount; but I am willing to take it, be it more or less. It is not, it is true, the result of calculation from indisputable data; but it is drawn from circumstantial evidence of the case, that produces in my mind undoubting belief. This evidence I am prepared, said Mr. R., to detail to the Committee. Before the United States' share of the forfeitures is remitted, I demand an equivalent to the extra profits for the public Treasury. This equivalent I estimate at half the bonds, or $9,000,000; and, this sum paid, I consider the importers as retaining a per centage above their highest profits in time of peace, and of full importations. You cannot but have observed, sir, said Mr. R., that I have already often trodden painful ground in the course of my observations; and that which, on rising, presented the most discouraging embarrassments, remains to be trodden, and we have come to the point of entrance. This subject came up in the Executive Message; it has since been brought before you by the parties implicated, in the character of petitioners—a sacred character—before the Representatives of a free and magnanimous people. The right of petition is an imprescriptible right in the citizen. The vestals at Rome, or the heralds who passed between contending nations, were less inviolate. Duty only could impel me onward—that duty has been made of superior obligation by the gentleman from South Carolina. He has told you the evidence on your table carries on its face the features of indubitable truth; that it proves that the bulk of the importations are American, and were bought early or before the British orders were revoked; and that the importers are perfectly innocent—as white as snow. I deny it: I have, sir, already laid myself under obligation to try this issue. My friend from Kentucky has once passed in review the evidence, but he has forborne to scrutinize it as closely as it has now become necessary to do; no doubt from feelings of that liberality to the petitioners he is ever regardful of, which I regret, it has become my duty not to imitate. The petitioners stand before you as confessed delinquents in the eyes of the law; ready, however, to plead their title to a remission of penalty. The law has been broken, all are agreed; and what is necessary to be proved to merit indemnity? The petitioners allege they shipped to get property home, which it had been their misfortune, without fault, to have had locked up by the operation of the non-importation act coming unexpectedly upon them; that they shipped, believing it would be lawful; and that their profit will not allow them to pay the bonds without severe distress or absolute ruin. I undertake to prove, said Mr. R., from the testimony before the committee, directly contrary facts. First, as to the time of investment. [Mr. R. here referred to the classification in the first letter of the Secretary of the Treasury.] The Secretary, said he, having reference to time and manner, had five classes, to wit: Goods bought on American account and at American risk, before the 2d of February, 1811, when the non-importation act took effect. 2d. Goods purchased and placed on American risk, between that time and the 23d of last June. 3d. Goods purchased thereafter and shipped at American risk. 4th. Goods consigned to American houses,

or others as agents, under vague or obsolete orders, to be delivered over conditionally. 5th. Goods really British.

The petitioners ask generally for the remission of penalties on all. The worthy gentlemen from New York and South Carolina have given up the goods really British; the classes are thereby reduced to four. I shall divide them into two, to wit: Those bought and at American risk, before the 2d of February, 1811; and those placed so afterwards. I can see, said Mr. R., no just cause of discrimination between those bought before or after the 23d of last June. The depression in exchange and price puts them on a par, and I am sure the great bulk were obtained after the 23d of June, judging from the allegations of the petitioners themselves. [Mr. R. here referred to the printed report, pages 22, 23, 24, 26, 27, and 28, to show in what manner business has been transacted, and that it thence resulted that there could have been very few actual investments on the 2d of February.] We find, said Mr. R., that the execution of orders sent in the Fall of 1810, was countermanded on the appearance of the proclamation; that it has been usual under the late restrictions to give orders to be executed on the contingency of a revocation of the British edicts; that it is usual for importers to place funds in England in anticipation of their orders for the purchase of goods; that persons have gone to England with large funds and have speculated on the low prices of the last Spring; that orders are usually given by the 1st of January, but are subsequently revised. All then is admitted by those who have appeared for the importers, and it goes conclusively to prove that few goods remained in England on American risk on the 2d of February, 1811. But the committee of the Boston importers state, that large quantities of goods prepared for shipment before the 2d February, 1811, and which arrived at the shipping ports too late to be shipped before that day, were, in the ensuing Spring and Summer, shipped to the British ports in New Brunswick, Nova Scotia, and Canada; and the greater part of these goods have been brought into the United States since the war. In confirmation of this, I learn that in Vermont alone duties have been bonded for to the amount of $100,000; and in Passamaquoddy goods to an immense amount have been entered since that time. The importers state that in consequence of a letter from the Secretary of the Treasury, giving them information that all goods arriving in the United States after the 21st February, 1811, would be liable to forfeiture, they countermanded their orders, and did not enjoy the advantages which were granted by the act of March, 1811. I have inquired at the Treasury for this letter, and find it was written on the 13th November, 1811, in answer to the inquiries of a single merchant, and contains only a reference to the terms of the 11th section of the act of March 1, 1809. From this letter nothing can be inferred in favor of the claim of the importers. The law was positive and plain, and he that ran might read; it was a mere private letter—an act of courtesy in the Secretary; it neither gave any construction of the law, or any opinion calculated to mislead the merchants. This letter was written on the 13th of November. The Secretary's annual report for that year was read and published on the 12th December following. In that report, which Mr. R. referred to, the case of vessels abroad is made a subject of particular notice. The merchants were then apprized as early as the middle of December, 1810, that a liberal extension of time for getting home their orders was a subject of deliberation before Congress as a part of the Treasury Report. The act of March 2d, 1811, went to admit the entry of all vessels which should have left England before February 2d, of that year; and, by a liberal construction of that law, unavoidable detentions after clearance, such as that which arose from the particular conformation of the harbor of Liverpool, where vessels are often detained many days, received further indulgence. A vessel was admitted to entry which had left England even as late as the 2d of March, the day on which the last supplementary act on the subject of non-importation passed. This, then, said Mr. R., I think another reason why we may safely conclude the portion of goods actually invested before the 2d February, 1811, and not brought away, were very small. My friend from Kentucky has told you he found on inquiry that from twelve to fifteen million dollars' worth of merchandise was imported in a short time before the non-importation act took effect. This could arise from nothing but the desire in the importers to get their orders all home. But there are other proofs that a very small amount of goods only could have remained in England at American risk on the 2d of February, 1812. Mr. Russell supposed they would form a very small portion of the importations; he believes the greatest portion was purchased after the revocation. There was then, he adds, great activity in investments. This testimony of Mr. Russell is itself almost conclusive, but there are still other proofs. Let me call your attention, said Mr. R., to the examination of the manufacturers from thirty manufacturing districts, already alluded to by my friend from Kentucky. Among the cloth and cotton manufacturers, the potteries, the hardware men, the complaint is universal that their stock of wares on hand had absorbed their capital, their hands were unemployed, and their conditional orders from America, if the Orders in Council were revoked, would relieve them instantly. Could this state of things have existed if the investments by our merchants had been made, or any considerable part of them, before the 2d February, 1812? Would the British Government have let five-eighths of the vessels depart after our declaration of war was known, and an embargo had been laid in consequence of it, to let home American capital, if she had not her equivalent benefit, and even more? No; it is impossible. I did not note down the evidence as it was received, said Mr. R., to any amount, not being qualified from habit to do it with facility, and it was the good fortune

of the committee to have a chairman whose qualifications were superior. It was difficult, however, to catch everything. I find in the printed evidence from Baltimore, that the importations are stated not to have exceeded the orders, but to have been less. In my notes of this evidence it is stated, that many goods were paid for since their arrival. [Here Mr. R. referred to his notes.] The agents in England, encouraged by the prospects of a market, had shipped largely. This I am certain was said, though doubtless some of the gentlemen said what is in the printed evidence. That there were large shipments arising from the prospect of a market, and that there was a desire in England to find one, must have been natural.

Mr Russell expressly states the revocation of the Orders in Council, as it is called, was not due to a regard for justice in the British Council, or to an amicable temper towards America, but to obtain relief for their manufacturers. This fact, taken with that of five-eighths of the merchandise sailing after war was known to exist, with British licenses, as it is stated by the Secretary of the Treasury in his letter, is positive proof that almost all the property shipped was either English or of American investment, after 23d of last June.

I think, sir, said Mr. R., that I have made out an evidence strong enough, that very little of the late importations were American on the 2d of February, 1811, and indeed not even of prior date to the 23d of last June, and much of them not till the arrival of the goods in America. The consequence is, the investments, lading, and shipping of the goods, were made at a time when the lading and shipments were unlawful, and the investments of more than doubtful propriety; and that the petitioners have utterly failed to make out their title to a remission of their bonds on this point. In calculating the charges it will be found, said Mr. R., that they have predicated them on a title to two years' interest, with extra storage, and other *et ceteras*. We will now examine the point of profits. In doing this, we are about to test the credibility of the testimony produced on the part of the importers. The examination of the committee of merchants, said Mr. R., is prefaced with the remark that "the state-
'ments made by them, being men of character
'and respectability, were delivered with so much
'apparent fairness and candor as induced the
'committee to give much credit to them." I do not consider myself as having agreed to these expressions. I believe I objected to them. I am sure I thought them too strong at the time they were submitted to the committee. Further inquiry and reflection have, if possible, diminished my faith in them. Mr. R. said he wished it to be recollected that the evidence under the different heads of the cities where the examinants resided was partly a voluntary communication, and partly answers to questions proposed for the purpose of uncovering the equity of the case. The worthy Chairman had observed that this evidence was the result of a cross examination, calculated to test its truth, and he was pleased to give it a character of strictness and ability above its merits. I did, said Mr. R., as one of the committee, put many questions to the gentlemen attending, but under the disadvantage at the commencement of a total unacquaintance with the subject, at all times under the restraint arising from interrogating gentlemen of high respectability on points in which their interests opposed a direct answer, and who appeared for others, the circumstances of whose case was more exceptionable. The Committee had no authority to examine them, and it pressed no question where any delicacy was felt to answer. The statements too are made by men who, out of their own warehouses, confessed themselves among the least informed on most subjects of trade of any persons in the cities where they resided. They are in many parts vague opinions, and given only as such—however, where accuracy was attainable, they will be found unfortunately erroneous. In this evidence, it should be remembered, the parties are interested, and while admitting the gentlemen are men of truth, what they have said in justification of themselves ought to be taken with allowance, while all that they shall have disclosed unfavorable to their interests must have the character of high credibility. The gentlemen from New York were heard by the Committee at their own request, and in the first section of their evidence were allowed to state all they wished, without interruption or interrogation—it is the fair side of the picture. They have there swelled up the charges to 60 per cent., they have even claimed more, and I will give them all; but it will be found, as might be expected, these calculations are made upon the assumption that the bulk of the goods were on American risk before the 2d of February, 1811, an assumption which I trust has been proved to be without reality. The gentlemen from New York have not said what the average sales have been, though they admit if the bonds be remitted they will have a handsome profit; they have made up a bill of costs, we must seek for the profit elsewhere. The hardware importers of New York have in their affidavit fixed the average sales at 90 per cent. on the invoice, and charged 65 as charges. From this strike out the extra charges, to wit: two years interest 14 per cent. and 1½ per cent. of extra storage, &c., neither which charges can apply to goods purchased, as really appears to have been generally the case, after the 23d of June last, and a clear profit of 50 per cent. on the invoice price, or on cost and charges of 32 per cent. after deducting the war duties, or 21½ clear profit on the whole capital employed, without the advantage arising from exchange—which we will presently consider. We find the gentleman from Boston, on being asked for the amount of extra profits, in his printed evidence says, it has been from five to ten per cent. Subsequently he appeared before the Committee voluntarily, to communicate the merchants' affidavits on your table from Boston. These relate chiefly to piece good importations, and they make the advances from 90 to 110 per

cent. That delicacy that had induced a forbearance to interrogate further on the first occasion, seemed now removed, and the question was submitted as to what the ordinary profits amounted to; his answer was, that the ordinary advance on piece goods was 50 per cent., from which take charges and peace duties, 30 per cent., and the profit on the invoice would be 20 ditto, or 15 per cent. clear profit on invoice and charges, including duties. This will be found the highest peace profits; ordinarily they are from five to ten per cent. But take this calculation, as that from New York has been, most favorably to the importers, the peace profits at 15, and the present advance at 90, which is low, and the profits on the present sales will be 40; from which take the average war duty, 17 per cent., and there remains 23 per cent clear profits on the late importations, beside advantages in the rate of exchange.

While this calculation from the merchants' own admissions proves the profit on themselves, it proves most conclusively the testimony they have offered is of little value. My friend from Kentucky has stated to you that it was admitted by the gentleman from Baltimore, before the committee, that, in the technical language of trade in that city, goods sold at 250 to 300 for one hundred at the late sales. The average ordinary sales are about 134, which is something more than 40 per cent., out of which all charges have been paid and the importers had their profit—take the largest sum, to wit: two hundred and fifty as the average advance, which is 110 per cent. profit, so that the profits are 70 per cent. more than usual, from which take the war duty 17 per cent. and it leaves 53 per cent. clear profit; that is, 3 per cent. more than half the bonds, in addition to the usual price exclusive of exchange. Mr. R. read a letter from a respectable merchant of the District of Columbia, confirming this admission of the Baltimore committee. He held in his hand a letter from a merchant of Philadelpnia, stating that he knew an instance of goods bonded at the invoice amount, $50,000, to be sold immediately for $170,000, or 340 per cent. profit on the invoice price; so that the importer could pay his whole bond and all charges and have $20,000 profit. I know, said Mr. R., however, the tales of the importers may have made it appear otherwise, I am stating sober facts. The merchant tells you he does not take into the calculation of his profits the rate of exchange, because if in a series of ten years it is equalized he is satisfied—in ordinary years this is no doubt a just and proper rule, but ordinary rules, said Mr. R., do not apply to extraordinary cases; such a case is the present. British goods being inhibited by law, the market had become exhausted and exchange depressed far below anything that could happen in the ordinary course of trade. My friend from Kentucky has shown you, from the reports of the Commissioners of the Sinking Fund, for a series of years, there is no material variation of the rate of exchange. As soon as the non-importation took effect, down it went to 23½, and the late importations, from the merchants' own statement, did not raise it to more than 14 below par, which make the average 18¾ per cent. left. The importer tells you he does not consider this in his profit, truly, nor does he consider the seventy per cent net profit on all costs and charges which I have just mentioned as anything but a proper gain—let him alone and you cannot cloy him with per centage. I think, sir, said Mr. R., I have said enough to show from the statements of the petitioners that they can pay half their bonds and retain more than usual profits.

Mr. R. then adverted to the testimony from New York given voluntarily, and remarked that the subsequent examinations were all made by the report to confirm that statement generally. I will, sir, said he, take it sentence by sentence and show you that the pretence set up for remission is neither true in fact or sustainable on principle; but, said he, there is one part which merits particular notice. My friend from Kentucky had stated clearly that there was a gross error or misrepresentation on the subject of duties. The merchants from New York say the average of the lowest duties as calculated at the custom house is 33⅓ per cent. on prime cost. The worthy Chairman has attempted to make this monstrous statement appear not materially erroneous in the face of demonstrative evidence adduced by my friend from Kentucky to the contrary. He showed you, sir, from authority not to be controverted, that the three rates of ad valorem duties, to wit, 12½, 15, and 20 per cent. were in time of peace the duties per cent. on the prime cost; add the war duties and we have 25, 30, and 40 per cent. for the dnties on prime cost as calculated at the custom-house; add the Mediteranean fund, 2½ per cent., and we have 27½, 32½, 42½—take the importations for two, three, or a series of eight years, as my friend from Kentucky has done, and the average of the whole duties, not the lowest as the Chairman has urged, will not make 29 per cent. on prime cost, or more than 33⅓ on costs and charges, which last is dutied as has been observed by laying a duty of 6 per cent. as charges before shipment and 10 on their arrival in the United States. Will the worthy Chairman tell us there is now no material error? Give the gentlemen from New York their assertion, and, instead of 33⅓ per cent. as the amount of the whole duties of every kind, they would have swelled them up to 37¾ per cent. But this being a matter of calculation, liberality obliges us to suppose that though the worthy Chairman has failed to show there was no material error, for an error even he admitted to exist, that error might have arisen from mistake. My friend from Kentucky at least stands justified in his remark that the truth of the whole statement of the merchants from New York is thereby rendered justly suspicious. But they have committed errors still less to be apologized for. Crockery, glass ware, hardware, silks, millinery, &c.—mark the *et ceteras*, are dutied, say they, at 50 per cent. The highest ad valorem duties on prime cost and charges do not exceed 49½ per cent., and the articles paying this high duty are glass ware, black bottles and window

glass excepted, and carriages and parts of carriages. This has been stated by my friend as only the 1-94th of the importations for three years past, or 3-264 part—taking a series of eight years, while in those periods the importations paying the lowest duties are for the first period 75 91 and for the second 213-264 parts. It is not true, as the evidence states, that glass ware generally pays this high duty, as window glass and black bottles are excepted. Hardware, plated ware, millinery, and pottery wares, pay in peace but 15 per cent., and with the war duties and all other charges only 38 per cent. Silk pays the lowest duty, to wit, 32 per cent., while the merchants assert it pays 50 per cent. I beg you to observe, sir, said Mr. R. that this statement was repeatedly read to the New York committee at different times, and to each of the committees from the other cities, all of which are stated to acquiesce in their truth; among these, it is presumable, there were dealers in all these wares. Either they have been unacquainted with facts arising immediately out of their daily business, or they must have formed a curious opinion of the tribunal before whom they stood. The motive of the gentlemen I have nothing to do with, but if I have not awakened suspicions in this committee of the utter insufficiency of their testimony, I have failed lamentably in justifying my own impressions. One part of this committee, said Mr. R., I observe, feel irksome under my observations; to another I am thankful for their attention. I am not accustomed to keep the floor so long—I hope I shall claim such indulgence seldom—this duty has been forced upon me, and I ask the patience of the committee while I perform it. The worthy Chairman, said Mr. R., says the shipments were made, believing it lawful, and that the evidence proves it. In that part already reviewed, I trust nothing has appeared to justify this assertion. A printed paper handed to the committee by the New York gentlemen, which they said was handed about in England after the revocation of the Orders in Council, will be found in the printed evidence. I will, said Mr. R. turn to it. It consists of the 2d section of the act of March 2d, 1811, and an extract of a letter from Mr. Monroe to Mr. Foster, dated July 26, 1811. That in case Great Britain shall so revoke or modify her edicts, says the act, as that they shall cease to violate the neutral commerce of the United States, the President should declare the fact by proclamation, and that such proclamation should be evidence, and no other evidence should be admitted of such revocation or modification in any suit or prosecution, &c. By an act of justice rendered (says Mr. Monroe) to the United States, Great Britain may set the non-importation act aside. Cease to violate our neutral rights, by revoking your orders, in which event alone the President has the power, and I am instructed to inform you, he will exercise it in terminating the operation of the law. The gentleman from New York (Mr. MITCHILL) says you put it in the power of Britain to repeal your law, and she did it, and added, it was conciliatory, and everybody thinks so—the President has said so. It must be a bad cause that could drive the acute gentleman from New York to take a single word in the Message used in mere common acceptation, without any technical meaning or a necessity for precision of language, as a proof of the President's opinion on the revocation. The President has said, it is true, that "the repeal of the British orders were susceptible of explanations meeting the views of this Government." But to make the act of shipment take the appearance of no intention to violate the law, not only the proclamation of the President must be dispensed with, but also those preliminary explanations spoken of in the Message. But Mr. Monroe tells Mr. Foster he acts under the President's instructions in his letter of the 26th July, 1811, in pursuance of the law of 2d March, 1811; the condition is, cease to violate our neutral rights by revoking your orders, &c. and my proclamation shall issue. The words of the law are "revoke" or "modify." "cease to violate our neutral commerce." But by the law the President was to be the judge of the sufficiency of the revocation or modification. In the letter of Mr. Monroe, he says to England, in language of great significancy, what I expect from you is such a revocation of your orders as they shall no longer "violate our neutral rights." The shippers were then informed by the President on what condition the proclamation would appear, and without it the act of shipment must have been obviously to all unlawful. My worthy friend from Kentucky has told you the Order in Council of the 23d last June was not such a revocation. Will my friend from New York (Mr. MITCHILL) say that the reservation to lay them on at pleasure was not a violation of our "neutral rights" vital and flagrant? The condition annexed of admitting their vessels of war into our waters, while what had produced their interdiction remained unatoned for, was an aggravation of that violation. For the President to have issued his proclamation under the circumstances of the revocation of 23d of June, would not only have been an abandonment of his own interpretation of the law, but a palpable dereliction of his duty. Can Great Britain find an advocate here to justify her in demanding as an equivalent for a bare act of justice a surrender of our just claims of atonement for injuries and an acknowledgment of her right to legislate for us? The idea is too monstrous—too absurd. The revocation, if there had intervened no war, could on no principle have been met as the object of the non-importation act. This conclusion is inevitable, and the paper said to have been handed about in England, like the other testimony of the merchants, disapproves their innocence. Mr. Russell states that though he advised the merchants that they might make shipments with safety, he would not be understood to say, that he advised them that, if the law could not be repealed, that they would be permitted to enjoy the advantages of a monopoly and the consequent extraordinary profits. On no ground then can it be plead that the importers had any pretensions to a belief that the shipments would be deemed lawful. There, said

Mr. R., is another species of testimony before the committee, in print and MS., purporting to be affidavits and letters of merchants and dealers in British wares, which it may be well to advert to. First, there is that of the hardware importers of New York. They say the average advance on sales at wholesale is 90 per cent., that the charges are 65 per cent., which I have before proved is from 15 to 20 per cent. too high—their gain is, they state, 16 per cent. exclusive of exchange, which they fritter down as readily as they trump up charges. Following this affidavit is the certificate of David Dunham, not an importer but an auctioneer; wherein he states the sales have not been more than 70 to 80 per cent. advance, and sometimes they sold for less than costs and charges, and he is willing to add his corporeal oath if necessary to vouch the facts. Then come the retailers, and they vouch that they have bought the best and scarcest articles at 75 per cent. advance, this too after the importers had admitted their advances to be 90 per cent. I would just remark on the letter of Mr. Heard, that I know not whether he be interested in the importations to an amount above $3,000. In the close of his letter he states, however, that a privateer had captured a ship he was concerned in, and carried her into Rhode Island. The ship has been bonded, but the privateer would not give her up. The facts respecting this vessel are, that the appraisers did not value her to one-third her amount at invoice price. There was no way of preventing this fraud availing the importers, but by the privateer caveating against her release on bond. Let me ask, said Mr. R., with Mr. Heard, are not these hard cases? Truly they are; but the hardship is all on the side of the nation. Hillen's letter states an insulated case, and one of the few innocent ones that can occur. As to the MSS and documentary testimony, on examination it will be found, I think, neither more consistent nor more true than that we have already waded through. I think, said Mr. R., I may say with some confidence, the importers have utterly failed to make out a single point which they assumed for justification. So much for the rubbish, said Mr. R.; we have at last got a glimpse of what we are in pursuit of. Admitting in their fullest extent the advantages stated by the Secretary of the Treasury arising to the nation from these importations, and even that grace so eloquently invoked by the worthy Chairman, ought not to extend further than a remission of one half the bonds.

I will now, said Mr. R., reply to some of the arguments more particularly used by my friend from New York, (Mr. MITCHILL.) After a historical review of the causes that led to the non-importation act, he observes, "we come to this 'fact—that, while British produce was inhibited, 'we allowed ours to go where their proceeds were 'liable to centre in England.' Those proceeds 'were invested in British merchandise, to avoid 'the loss of a rapid depreciation prevailing in 'the currency of that country, and to obtain the 'benefit of low prices which a suspension of trade to this country had caused." The fact that must establish or destroy this reasoning is, whether it was the case that American capital did centre in England, as is assumed. After patient inquiry, I must deny that it was the fact to any considerable extent. We have the strongest circumstantial evidence to prove that much of the late importations are British property, and that not more than five millions out of twenty were invested before the 23d of last June. The proceeds of our exports to countries in amity with England must, for the most part, have been gotten home through other channels, and that, as the gentleman has said, the comparatively small investments of American capital made, were induced by speculation on the low prices rather than due to the export trade.

The abundance of bills of exchange latterly in our market, is no proof that they were brought here by our exporting merchants. Their depressed price would have made it obviously unprofitable to take them with any view but investment in British goods; a fact which does not exist to much extent. I would remind the gentleman of the last winter's report, respecting £700,000 in bills of exchange, conveyed to Mr. Foster from the post office in this city, some untoward events having developed the contents of the envelopes. I do not give this as a fact, but such an expedient might justly be looked for, from the known turpitude of British morality, political and commercial. The gentleman admonishes us that we have afforded a "signal opportunity of showing our magnanimity." I do not know if we interpret the word alike. It will not apply, surely, to the encouragement of wrong. I cannot but hope that, if we were to use it on this occasion, the gentleman will, on better consideration, think with me, it would be the extreme abuse of a cardinal virtue. The gentleman warns us not to exasperate the importers. Heaven forbid, said Mr. R., that the remotest disposition to exasperate them should be felt in any bosom in this committee. I wish fervently to conciliate them. I advocate a course towards them of extreme liberality. There is no enmity in the agriculturists to merchants. I have been formed amongst the cultivators of the soil, I have participated in their pursuits, and believe I represent their feelings, when I say they sufficiently respect the fair and useful mercantile character. But no fears of the frowns or dislike of the mercantile interest shall induce me to offer the interests of the nation to propitiate their favor.

The worthy chairman has said the violation of the restrictive laws is one of the great heads of this argument. These laws, said he, have alienated the affections of one-third of our people from the Government. They have put out both your own eyes while they have injured but one of your enemy's. It is, said he, self-torture. The restrictive system has been resorted to, not out of choice, but of necessity. It is a choice of evils only. It is a pacific appeal to the interests of an aggressing nation, for redress of injuries she has inflicted on us. Open war is a forcible one, and their difference is only in degree, not in principle; the

less is included in the greater; the former becomes merged in the latter. The declaration of war gave the non-importation principle greater efficacy. The gentleman has been, and still continues to be the avowed, the able, and influential advocate for war. War, being the greater principle, by parity of reasoning, must be a more severe principle of self-torture. It not only restricts trade and limits enterprise, but impoverishes, distresses, nay, it sacrifices the lives of our citizens. By the gentleman's rule, too, war may be truly said to have alienated the minds of one-third of our people; for those who clamor against restrictive appeals to our enemy's interests clamor against belligerent ones equally loud. But, sir, said Mr. R., how is the gentleman sustained in his assertion that by non-importation we hurt but one eye of our enemy, while we put out both of our own. Is the picture of the distress of our seaport towns which he has drawn justified? Enter them, and we find the mercantile class basking in a splendor and opulence that few can contemplate without sensations of pride and pleasure; we find plenty and comfort everywhere; no one is beheld retiring supperless to rest. This, sir, said Mr. R., I am sure you will admit not to be an overcharged picture. Well, sir, now let us look on the other side of the water. [Here Mr. R. turned to the examination of the manufacturers in England, before the committee of the House of Commons.] Have we, said he, thirty manufacturing districts, surcharged with a population famishing for want of oatmeal and potatoes, whose squalid habiliments and hunger-worn countenances must melt every beholder with compassion? There is not a family in our country, however indigent, thanks be to Heaven! but what has yet to learn to live on oatmeal and potatoes.

To reason in support of so obvious a principle as the effect of our non-importation act, would be waste of time. The gentleman says that, from an authentic document, read by my friend from Kentucky, it appears two-thirds of our population are clothed in domestic manufactures, and infers from thence the seaboard consumes the foreign merchandise and pays the impost. The gentleman talks of conciliating and identifying all our citizens in the same great community of interests; and, unfortunately, we find him the next moment drawing invidious distinctions of the merit and suffering of the seaboard over the interior, that have no foundation in fact, and exciting jealousies for which there is no cause. I live, said Mr. R., within twenty miles of the port of Philadelphia. In that place a great proportion of the articles entering into every kind of domestic convenience are really of American fabrication, while I assert, without fear of contradiction, that, in the country west of the mountains, generally, even in Kentucky, remote as she lies from maritime commerce, the use of foreign fabrics prevails so as to withdraw the circulating medium from that country, greatly to the prejudice of industry and internal improvement. The enterprise of the mercantile character pushes its correspondence over every obstacle; its object is to sell its wares for a good price; and it will not rest within the narrow limits on the seaboard, while the markets of the Ohio and its tributary waters invite that enterprise. We have been reminded that the non-importation act cannot be enforced while we admit of an export trade. The returns must be had, it is said, in some way. If the nation was at war with the whole circle of commercial States, this might be true. But while there remain relations of intercourse with all the world, Britain excepted, it would, indeed, be carrying the principle of self-torture very far, if we were to annihilate our export commerce and our agricultural industry, because imports from Britain and her dependencies are inhibited. Then might the gentleman say truly, that we were putting out one eye of our enemy and both our own. But it is waste of time to controvert such arguments; they carry on their face a sufficient refutation. The gentleman from South Carolina (Mr. Cheves) says he hopes no importer will give the Treasury anything but money; in another place he has spoken of a humiliating compromise. The gentleman must have here meant more than he said. The inference is irresistible, that we are wishing covertly to get something for the Treasury besides money, and, to obtain that end, are willing to submit to a humiliating compromise. We have fairly argued for half the bonds; this is what we believe justice to the community requires should not be remitted. But, having due regard to the merciful operation of the law, for it never contemplated forfeitures without equitable relief, in its spirit and not in the letter, I declare, without hesitation, if there be within the exercise of the mitigating power any other way to fulfil what justice to the community requires, more lenient to the importers than a payment of the money, that course I wish to prevail, notwithstanding the gentleman may strive to stamp it with the opprobrium of a humiliating compromise.

The gentleman from South Carolina tells you the importers have obtained their profits in spite of you, and asks, Will you now take it from them? I cannot express the disapprobation I feel of this sentiment. In this House, are we not only to find apologists for, but eulogists of the violators of the supreme laws of the land? In spite of you, they have obtained their profits through the agency of British licenses, British Orders in Council, and British insurance against American captures; and your district courts, which, if they are not British, have, by an abuse of power, worse even than British prize court iniquity, sealed the wishes of the British Cabinet by a transmutation of British imported merchandise into American capital. This, sir, has been done, indeed, in spite of your laws—in spite of your revenue officers—ay, and the gentleman says, in spite of yourselves—and he rises to mock you with a panegyric on this brilliant achievement—even the Secretary of the Treasury, he says, admits it gives you great advantages in spite of your own policy; he pleads your grace inasmuch as they have despited you.

The gentleman says an agreement to the report will shake your party connexion. That he rises or falls with his party, and trembles for the consequences. For six years, said Mr. R., you have lain prostrate before your enemies from the fatal influence of faction; even now, when, through a series of long suffering, we have arrived at the point of resistance, a cry of peace within these walls has inspirited your enemy, and as if this was not enough, we are menaced with the rearing of a new standard. While I view these things with concern, I can never compromise my duty in hopes to do them away. In the same spirit the Secretary of the Treasury has been distorted to a monster. The high official character with which he has been clothed, the purity and fidelity with which he has discharged his duty, have availed him not; he is represented as holding in his hands the fate of individuals, if this resolution passes, on whom he is ready to fasten the talons of his power. The abominable metaphor of the long arm of the Treasury has even been resorted to, forgetful of all liberality, in favor of a misplaced compassion. It is not the payment of the bond that is dreaded, we are told, but to sue before your officer for "grace." Let this high-spirited importer pay his bond, and his feelings are spared. Let him abide by the judgment of the courts of law, and he need not seek relief in chancery. But why is such repugnance felt in appearing before an officer who has no powers, but to soften the rigor of the judgment of the courts of law, and who, if he is not merciful enough, may have his decrees further mitigated by Congress, who may act with propriety when redress can be had before no other tribunal, and while, too, if that officer be too lenient, his decrees are final, however the public interests may suffer. To conjure up such objections against the course we contend for, under the circumstances they are offered, argues an utter misconception of the case, or that most unwarrantable prejudices are indulged. The gentleman has aptly compared agriculture and commerce to that river that irrigates and fertilizes the plains of Egypt. The river, he tells us, represents the productive industry of the former, while the periodical floods are emblems of the fertilizing qualities of the latter. I take the gentleman's simile, but draw a very different conclusion. A too long continuance of the inundation must not only destroy vegetation, but generate pestilence, and poison the living fountains of the stream. To preserve the mutual interest between agriculture and commerce, the desire of profit to the merchant must sometimes be restrained, or it will overleap the bounds of a fair community of interest. At no time more than the present can there be a greater urgency for the application of the restraint. The gentleman says, without commerce we should be shepherds or Barbarian hordes; and let me ask him, what we are with it? Ruthless savages, contending often sanguinarily for its profits with a remorseless cruelty that barbarian hordes would shudder to behold. By arguing from extremes, we may prove too much. In this way, the palm of merit was given by an enlightened literary tribunal to him who defended a savage life. A free Government, says the gentleman, ought to be lenient. I admit it; but then, in its leniency it ought ever to avoid injustice. Here, said Mr. R., I am ready to close my arguments, and humbly hope that I may be allowed to adduce from thence that one-half the bonds ought to be paid into the Treasury, or an equivalent for their remission, and that it would be wrong to interfere legislatively, until the Executive and Judicial branches of Government shall have administered the law.

When Mr. R. had concluded, it being late in the day, the Committee rose, reported progress, and obtained leave to sit again.

MONDAY, December 7,

Another, member, to wit: from Virginia, EDWIN GRAY, appeared, and took his seat.

On motion of Mr. TALLMADGE,

Resolved, That the Secretary of War be directed to lay before this House a statement exhibiting the expenditure of the annual appropriation of two hundred thousand dollars, made by the law, entitled "An act making provision for arming and equipping the whole body of the militia of the United States," passed the 23d day of April, 1808, with information as to the number of "arms and military equipments" that have been purchased or made, and the manner and proportion in which they have been transmitted and distributed to the several States and Territories, in pursuance of the provisions and requisitions of the aforesaid act.

MERCHANTS' BONDS.

The House again went into Committee of the Whole on this subject.

Mr. RICHARDSON said: Mr. Chairman, after I became acquainted with the facts, on which the question before us arises, I did entertain a hope that there would be no diversity of sentiment among us as to the propriety of granting the prayer of these petitioners in the fullest extent. Some difference of opinion as to the mode I indeed anticipated, but none as to the justice of doing it. I thought, sir, that the distresses which our merchants have suffered, under our restrictive experiments upon foreign nations, would entitle them to our particular consideration. The measures of the Government have fallen with peculiar severity upon this class of our citizens. The produce of agriculture has at times commanded a great, at all times a good price. The manufacturer has grown rich, and other classes of the community have enjoyed their usual prosperity. Upon the merchant almost exclusively has the pressure of the times borne. I thought, sir, this circumstance would induce gentlemen to lend a favorable ear to these petitions.

I also thought, sir, that this class of our citizens had claims from its respectability to our particular attention. I will venture to affirm, and I call upon all the honorable gentlemen who represent them in every part of this House, and

from all parts of the Union, to bear witness to the truth of the remark, that in fair and unspotted character, that in honor and integrity, in activity and enterprise, that in all those qualities both of the head and the heart that can adorn and dignify the nature of our species, the merchants of our country are second to no class in the community. It is true, sir, they have not been silent under the pressure of our measures; they have sinned both in thought and in word against our restrictive system—a sin, which in this House I fear cannot easily be forgiven. But do gentlemen wonder that they have complained? I put it to every honorable gentleman, whether, if our measures had fallen upon the yeomanry of our country with one-tenth part of the severity with which they have fallen upon the merchants, it would not have raised a storm that neither this nor any other Administration could have rode out in safety? It is a singular fact, but it is not more singular than true, that for these five years last past, whenever you have planned any grand measures of coercion—whenever we have collected any vial of uncommon wrath against foreign nations, the contents of it have in every instance been poured directly upon the heads of our own luckless merchants! And is it to be thought strange that they should think our measures a little unluckily directed? Is it wonderful that they should doubt the policy of some of our measures? They have been stigmatized as a class of men incapable of restraint, as habitual violators of our laws. Sir, the charge is a gross slander upon their character. They have not violated our laws. Distressing as our measures have been to them, they have submitted with a patience truly astonishing. No, sir, the regular merchants have not been the violators of our laws. But our measures, while they have driven the fair and honorable merchant from his accustomed trade, and have dried up the fountains of his wealth, have raised up a set of men, the rank produce of troubled times, who were not regular merchants before, and who, against our laws and in spite of our laws, have carried on trade and have grown rich on the ruins of the honest merchant. These are the men who have violated your laws. The state of things which our measures have produced has been a school admirably adapted to teach the art of violating our laws. If there were no other evil resulting from the restrictive system than the tendency it has had to corrupt the public morals in this particular, and to invite men to become the pupils of smuggling, that alone ought to stamp its memory with execration. Trust me, sir, in the enforcement of your revenue laws hereafter you will be taught to feel the full force of this remark. Let me then implore gentlemen to lay aside their ill-founded prejudices against merchants, and not lay to their charge sins of which they have not been guilty. I implore you then to decide this new, this singular, this important question, without prejudice and without partiality.

I do not propose to examine minutely the testimony which has been laid before us. I do not, sir, propose to follow gentlemen through the long and labored course of reasoning by which this resolution is attempted to be supported. I only propose to consider some of the more prominent remarks which gentlemen have made in favor of it, and to state some of the reasons which induced me to oppose it.

The gentleman from Kentucky (Mr. JOHNSON) has remarked that this question derives all its importance from the amount of property involved in the decision. Sir, I am of a very different opinion. That it derives some importance from that consideration, I admit; but not *all* its importance. It is not unimportant that the decision of this House in every case, however small the amount of property involved, should be correct. It is important that justice should be done to every class of citizens, however few in number or humble in situation. But, sir, the merchants are a great and powerful class of our citizens; and if we should do what they may deem to be injustice, it may, in the present crisis of our affairs, draw after it consequences more serious than gentlemen may apprehend. The question derives much of its importance from the respectability of the petitioners.

The gentleman from Kentucky (Mr. JOHNSON) says, that those who agree with the majority of the Committee of Ways and Means on this subject wish to refer these petitions to the Secretary of the Treasury, because they agree with him in opinion. This, sir, is candid. I will endeavor to be equally candid; and declare freely that the very reason why I wish not to refer them to him is, because I do not agree with him in opinion. It is also asked, do we doubt the competency of the Secretary of the Treasury? Have we not confidence in that high and respectable officer? If I am asked the question, generally, whether I have confidence in the talents and integrity of that officer, I freely answer, yes; but if asked as to my confidence in his decision in this particular case, I as freely answer, no, I have not. I think his views, so far as I can understand them from his letters to the Chairman of the Committee of Ways and Means, are very incorrect.

It is said, there ought to be a distinction between property purchased in England before the 2d of February, 1811, and property purchased since that time, and shipped to this country; and that we cannot go into an inquiry that will enable us to make this distinction. Sir, I deny that any distinction ought to be made. The only distinction we ought to make, should be between *bona fide* American, and British property. Perhaps this distinction cannot be made. I wish it could; and trust it may be. But suppose it cannot; ought we, sir, to condemn American property, because a little English property happens to be mingled with it? It is said to be better that ten guilty persons should escape punishment, than that one innocent person should suffer. If we enforce the payment of these bonds, we shall punish and distress a hundred innocent American citizens, in order to reach one English subject.

Another reason urged why we should enforce the payment of a portion of these bonds is, that

the merchants have made unusual profits in the late importations. If they have made large profits, sir, I rejoice at it. I rejoice that fortune should have broken through the clouds that have so long hung over their affairs, and in one solitary instance have shone pleasantly upon them. I trust that Providence will bless them in the enjoyment of their profits; and as it has enabled them to rescue their property from the hands of our enemies, that it will also enable them to preserve it from the hungry jaws of our Treasury. Forbid it; the dignity of this House forbid it; the respect which we owe to ourselves, that we should lay our hands upon it! I have no disposition to enter into this retrospective partnership with our merchants, in order to share the profits without the losses of trade. It would be to the Government, in my apprehension, a partnership equally disgraceful and ruinous.

It is said, if we relinquish these bonds, we must tax the yeomanry of our country. Sir, I had feared that this consideration might have an influence on this decision. But I did not expect to hear it openly avowed. I had supposed that if any honorable gentleman should be charged with being under the influence of this motive, he would repel the insinuation with indignation; but I was mistaken, it seems. Perhaps the motive is a legitimate one. Self-preservation is the first law of nature. The merchants have been accustomed to suffer. Adversity is said to be the tamer of the human breast. Perhaps they may now submit quietly to injury and injustice. But it is not quite clear that the yeomanry will submit quietly to taxation. The experiment is yet to be made, whether we can safely put our hands directly into the pockets of the people and take their money. It might conjure up a "spirit" among them that "would push us from our seats."

It is also said to be due to the non-importation act that we should enforce the payment of these bonds. Indeed, sir, and is the non-importation act to be made the object of religious homage? Are we to erect altars and offer sacrifices to it? Are those altars to be sprinkled with the blood of the merchants? Sir, gentlemen are mistaken. They may devote this House to the worship of the non-importation act, and they may here sing its high praises, but trust me, sir, those praises will not be re-echoed by the approving voice of the people. There is a deep and awful murmur running along your seaboard, from one extremity of the Continent to the other, constant as the dashing of the waves of the ocean upon your shores. If the people must sacrifice to this idol, it will be, sir, not as the guardian power of their national rights, but as to a dark, malignant demon, that mixes with our policy, to weaken and paralyze, and palsy and ruin, and destroy all our energies, to distract and divide the people, to weaken their confidence in their Government, and in fine, sir, to sink our nation from a height of prosperity and happiness that was the envy, to an abyss of misery and wretchedness, that will excite the compassion, of all other nations. I implore gentlemen no longer to look to this miserable policy, but to trust to the strong arm of our soldiery and the prowess of our Navy, for the defence of our rights. Unshackle commerce, and, by cherishing and protecting, enlist her under your banners. Unharness from your war car this wretched, worn out, limping pack-horse, the non-importation act. Do this, sir, and my life upon it, you will no longer see your armies wandering, sad and disgusted, with the slow and solemn pace of a funeral procession, among the dismal wilds of your northern frontier, with defeat by their side, and the people following mournful and reluctantly in their rear. Do this, and the wings of your eagle will no longer flag, nor,

"Quench'd in dark clouds of slumber lie
"The terrors of his beak, the lightnings of his eye."

The people will fight for their rights, but depend upon it, sir, they will not fight to enforce your restrictive system. But if gentlemen are still disposed to sing the praises of this system, for Heaven's sake let them adopt a new tune. We have lately been furnished with one finely adapted to the occasion—for the rest of this session at least let the tune be, "The last annual report of the Secretary of the Treasury!" and the vaults of your Treasury will be found in admirable condition to re-echo the inspiring sounds to the ears of your enemy.

It is said these importations are injurious to the country, except so far as they bring duties into the Treasury. This position is founded on a train of reasoning that ought to be not a little alarming to the commercial sections of the Union. It is bottomed on the idea that commerce is an injury to the country; that we can do better without it, and live, as it is called, independently! I am not very well versed in the forms of the school in which these doctrines are taught, and shall not attempt to go through the detail of the system, but shall content myself with entering a strong and decided protest against such doctrines as hostile to the best interests of this country. But, sir, the people will be much puzzled, I fancy, to see how, if these importations have been in other respects injurious, any advantage has been derived from their being compelled to pay five millions of dollars in duties upon them. This is a political riddle, the meaning of which is "unseen, invisible, inscrutable," to everybody out of this House, but to all within it is plain as the nose on a man's face, or a weathercock on a steeple. It enables us to take from the pockets of the people and place in the Treasury at our disposal five millions of dollars, without discomposing a single feature in the countenance of that nice and delicate lady—our popularity with our constituents. But is it not astonishing, sir, that gentlemen should not see that commerce at all times possesses this magic? That it is at all times to the Government emphatically the philosopher's stone, converting everything into gold? Do not gentlemen remember that when commerce was permitted, unmolested, to cultivate the ocean, she returned to our Treasury an annual harvest,

rich and abundant as the crop that was gathered from our hills and our valleys? and that plenty was in our dwellings, and gladness in our hearts? And do they not see, since our restrictive system, like a frost, a bitter, biting frost, passed over her dominions, chilling all her hopes and blasting all her prospects, that she no longer yields her accustomed tribute, and that our Treasury shares in all her distresses?

The gentleman from Pennsylvania (Mr. ROBERTS) has remarked that these petitioners stand before us confessedly guilty; that they sue not for grace, but for pardon. And are we really sitting here, sir, clothed with one of the highest attributes of sovereignty, not to grant freely, but to sell, pardon to the humble, guilty supplicant? Is there a price in this House for the pardon of crimes? The merchants are guilty. Of what, sir? Of bringing into our country twenty millions of capital? Of rescuing twenty millions from the hand of our enemies? Of bringing five millions of dollars into our exhausted Treasury? If these things be crimes, let us forgive freely; in the name of Heaven, let us not disgrace ourselves and the nation by selling pardon for such offences. I was at first struck with the peculiar manner in which the gentleman from Pennsylvania expressed himself. They sue not for grace, but for pardon. I was at a loss to comprehend his precise meaning; for I had always thought pardon was an act of grace. But I find the honorable gentleman thinks differently, and understands pardon not to be a matter of grace, but an article of sale. He is willing to grant these merchants a pardon, provided they will give all their profits as the price of it.

It was with extreme regret, that I heard the gentleman from Pennsylvania remark that this was a question between the merchants and the other classes of the community; because if the question is understood to be such by this House generally, I fear the case of these petitions is a desperate one. I begin to perceive that merchants are no favorites here. If the other classes of the community are understood to have an adverse interest, they must expect no favor from this quarter. I fear, sir, they are not certain to obtain bare justice.

The honorable gentleman from Pennsylvania says, these merchants have no equitable claims, because a great part of the goods imported have been purchased since the repeal of the Orders in Council. Sir, I apprehend the gentleman is mistaken, both in the fact and in the conclusion he draws from it. In order to establish his fact, the gentleman begins by attacking the testimony which has been laid before us. He complains that the witnesses were examined before the Committee of Ways and Means, by the Chairman of that committee, with great ability, and all the facts that could be favorable to the petitioners drawn out; while the cross-examination was not sufficiently minute to draw out the facts that might be unfavorable to the petitioners. He also says, he was not disposed to give the witnesses much credit, either for their candor or fairness; and that he had not much confidence in their testimony. Sir, it will be recollected that the gentleman is himself one of the majority of the Committee of Ways and Means, who made this report; and that its language must be considered as emphatically the language of the gentleman himself. It will be also remembered, that the report was made before debate had excited any sensibility on this subject. And what is the language of that report? Why, *that the statements were made by the gentlemen who were examined apparently with so much candor and fairness as induced the committee to give much credit to them.* Now, sir, I submit it, whether the honorable gentleman is to be heard to contradict his own report? What do the witnesses say? The committee from New York state expressly that the great mass of purchases were made before the 2d February, 1811, and their testimony is confirmed by all the other witnesses. The gentleman says, that the purchases made before the 2d of November, 1811, could not have amounted to any considerable quantity: because our importations from Great Britain in the Fall and Winter of 1810 were very large. It ought to be recollected that the former non-importation act expired in May 1810; that our exports to Great Britain from the first day of October, 1809, to the 30th of September, 1810, amounted to more than twenty-two millions of dollars; that our exports to Spain and Portugal in the same period amounted to more than eleven millions, and that at least three-fourths of our exports to Spain and Portugal were returned in bills drawn upon England. Is it to be wondered then that our importations from England in the Fall and Winter of 1810 were very large? Does the gentleman believe that all our exports were returned in those importations? It is impossible. But to prove that most of the goods lately imported were purchased since the repeal of the Orders in Council, the gentleman adduces the testimony of the English merchants and manufacturers. It is worthy of remark that he expresses no doubt as to the fairness and candor of their statements, and thus he seems to have full confidence in their testimony. But what do they say? Why, that they had conditional orders for the shipment of goods. Grant that they had, and that all these goods were shipped in consequence of such orders. How can that circumstance alter the equity of this case, when it is well known that the funds which were to pay for those goods were already in England, and could be withdrawn in no other way than by those importations. In my opinion it makes no difference in the equity of this case whether the goods were purchased before the 2nd of February, 1811, or between that time and the repeal of the Orders in Council, or since the repeal of those orders. When the merchants show me that these goods were purchased in consequence of orders given previous to the declaration of war, and were paid for by funds already in England, they show me a case with the equity of which I am perfectly satisfied. But I shall say more of this hereafter.

I am opposed to this resolution for various

reasons. The President in his Message has recommended this subject to our consideration. The case is before us. The facts are understood. We are competent to decide. It is in our power to do speedy justice, and it is a good objection to this resolution that there is no reason why we should adopt it. What are the simple facts before us? On the 2nd day of February, 1811, an act prohibiting the importation of British goods into this country went into operation. The object of the law was by distressing the manufactures of Great Britain to compel her to relinquish her Orders in Council. It is to be presumed that our Government had full faith in the efficacy of this measure; and it was repeatedly and expressly declared that, whenever the Orders in Council should be repealed, the non-importation act should cease to operate. I presume it will not be held to be a crime in our merchants to have *hoped* that the non-importation act would answer its object, and that the Orders in Council would at some time be repealed. Nor will they be deemed criminal in believing the declarations of our Government that, when the Orders in Council should be repealed, the non-importation act should be suspended. They did so hope, they did so believe, and in the ordinary course of commerce went on to purchase English goods, and to vest their property in funds ready to purchase English goods, giving their agents directions to ship the goods as soon as it might be lawful so to do. To what amount the property of our merchants might have accumulated in England at the time the Orders in Council were repealed, cannot be ascertained probably with much precision. Some estimate may however be formed from the amount of our exports to that country since the non-importation act went into operation.

The amount of exports to Great Britain from October 1, 1810, to September 30, 1811, was -	$20,308,211
Our exports to Spain and Portugal during the same period amounted to $18,266,466. It is calculated that at least three-fourths of our exports to Spain and Portugal were returned in bills drawn on England, we may therefore add on this account - - - - -	13,699,848
	34,008,059
But our exports are estimated by the value of the articles in our own ports, and must amount to considerably more in a foreign market. I am informed by mercantile men of great respectability that the freight, insurance, and other charges of transportation at a very moderate calculation must amount to at least twenty per cent. upon the value here. We may therefore add on that account -	6,801,611
	$40,809,670

From the 1st of October, 1810, to the 2d day of February, 1811, there was no non-importation act in force. But if we may suppose that our exports to Spain, Portugal, and England, from October 1, 1811, to April 5, 1812, (when the last embargo was laid,) amounted to as much as they did from October 1, 1810, to February 2, 1811, and it is believed they did to more, we may safely calculate that our merchants have sent to England property to the amount of forty millions of dollars, at least since the 2d February, 1811. On the 23d of June, 1812, the Orders in Council were revoked. The question then arose among the agents of the merchants, whether they might, in pursuance of their orders, lawfully ship goods to this country. In making up an opinion upon this question, they did not rely upon their own views of our laws; they applied to Mr. Russell, the agent of this Government, for advice. Mr. Russell gave it as his opinion, that shipments might be made with safety. They accordingly shipped large quantities of goods to this country. The goods arrived, and were seized by the Government for the violation of the non-importation act. These are the naked facts, and they present to our consideration a question as novel as it is important. Shall we confiscate these goods? Or, in other words, shall we enforce the payment of these bonds? There is a principle in the maritime jurisprudence of England, and I believe of all other nations, which seems to me to be applicable to this case. In order to illustrate it, I will suppose that some of these goods were seized and libelled by the Government on the ground that they were found in a trade between this country and England after a declaration of war. If, upon trial, the Government would show that they were shipped on account of an American merchant after war was declared, by a well settled rule of the law of nations, they would *prima facie* be liable to condemnation. But if the importer could show that the goods were shipped in consequence of orders given before the declaration, and that it had not been in his power to countermand the shipment, it would be a good defence, and the goods must be cleared. The principle of this defence rests upon the innocence of the importer. So in the case before us; these petitioners show themselves to be entirely innocent. These goods were shipped to this country in consequence of orders that were innocently given; they were shipped without the knowledge or consent of our merchants. And can anybody say that they are guilty of a wilful violation of the non-importation act, and shall forfeit their goods? No guilt can be imputed to them unless you impute the guilt of their agents. I think you are estopped to do that. Because, the same rule that would make them liable for the doings of their agents, ought to make us liable for the doings of our agent. If the agents of those importers have violated the non-importation act, our agent, Mr. Russell, has been at least an accessary before the fact. I am, therefore, clearly of opinion, that we ought instantly to cancel all bonds that have been given for property *bona fide* American. I think both justice and equity require it.

It seems to be admitted, on all hands, that the bonds given for goods purchased before the 2d February, 1811, ought to be remitted. I apprehend it can be demonstrated that bonds given for

the goods purchased since the repeal of the Orders in Council, with funds already in England, are, in principle, equally entitled to remission. Why are bonds in the first class of cases entitled to remission? If I understand gentlemen, it is because the goods were innocently purchased, the orders for their shipment were innocent, and they were imported through an innocent mistake of the law. The principle rests upon the entire innocence of the importers. The truth is, sir, the facts in this class of cases are too plain and simple to be misunderstood, and the justice of the claim too powerful to be resisted. For such is the nature of the human mind, that prejudice itself cannot prevail against justice, unless the contest be in the dark. I will now endeavor to show that, in principle, there is no difference between these two classes of cases. The non-importation act forbade all persons to import, or to put on board any ship with intent to import from Great Britain to this country any goods, wares, or merchandise whatsoever. In all other respects, it left the commerce of the country free and unshackled. Our merchants were at liberty to export the surplus produce of the country to any part of the world, and to dispose of it as they pleased. They had a right to receive for that produce bills of exchange upon England, or specie; and when they received specie, they had a right to bring it into this country, and here purchase bills of exchange upon England with it, or remit the specie itself to England. Indeed, they were in some measure compelled to place their funds in England, or abandon commerce altogether. It is impossible any man should be so wild and visionary in his politics, as to suppose that the whole surplus produce of this country could be carried to a foreign market and there sold for specie. To confine our produce to such a sale, would be in some measure to deny it a market, and it must inevitably rot in our warehouses, and thereby distress our own country ten times as much as the most enthusiastic votary of the non-importation act could hope that act would distress Great Britain. Individuals not engaged in our export trade had a right also to vest their money in bills of exchange upon England, or remit their money to England in any manner they pleased. And, in doing all this, they sinned neither against the letter nor the spirit of the non-importation act, but innocently pursued the ordinary course of trade. It is true, that those who have purchased goods since the repeal of the Orders in Council, with funds already in England, might have sent those funds there with an intent ultimately to purchase British goods; but they cannot be charged with an intent even to purchase, till it might be lawful to ship goods to this country. The object of the non-importation law was to distress the manufacturers of Great Britain, and thereby compel a repeal of the Orders in Council. Surely the simple act of placing funds in England had no tendency to counteract, but rather to aid that object. For if the manufacturers were really distressed, to know that the funds were ready in the country to purchase their goods, and relieve them, and that a pertinacious adherence of their own Government to the Orders in Council was the only cause why their goods were not instantly purchased, would tend to increase their clamor and discontent, and in fact to aggravate their distress. I therefore consider the position as incontrovertible, that it was as innocent an act to place funds in England after the 2d February, 1811, as it was to purchase goods before that time. The orders given by the merchants to their agents, were in substance the same in both classes of cases. The goods purchased before February 2, 1811, were ordered to be shipped as soon as it might be lawful so to do. The funds were ordered to be vested in goods, and those goods sent to this country as soon as it might be lawful so to do. It only remains to be shown that goods purchased after the repeal of the Orders in Council, might be as innocently shipped to this country as goods purchased before the 2d February, 1811. To purchase goods in England was not prohibited by the non-importation act, though it was not made penal to purchase British goods in this country, knowing them liable to be seized under that act. Those, therefore, who purchased goods after the repeal of the Orders in Council, did not thereby violate any law of this country. To have purchased goods before the repeal of those orders, and while the non-importation act was in operation, might be thought to have a tendency to counteract the object of that act, by relieving British manufacturers. But surely after the Orders in Council were repealed, and the only avowed object of the non-importation act obtained, an American merchant might very innocently suppose that he did not, by purchasing English goods, do an act that had any tendency whatever to counteract the views of his own Government. I think I may safely affirm, then, that these goods were innocently purchased. Where then is the difference in the two classes of cases with regard to the shipment of the goods? I see none. Both were shipped under an idea that it was lawful to ship goods to this country; both were shipped with the advice and consent of Mr. Russell; both were shipped against the letter of the law, and under the same misapprehension of the law. How then is the importer in the one case innocent, and in the other not? It cannot be—there is in principle no distinction between them.

I will now proceed to compare the case of goods purchased between February 2, 1811, and June 2, 1812, with that of goods purchased previous to February 2, 1811. The only difference between this class of cases, and that of goods purchased after June 23, 1812, is in the single circumstance of the time of purchase; and the same remarks which have been applied to that class of goods, are in all other respects applicable to this. The question is, ought that circumstance to make a difference? It may be admitted, that to purchase goods in England after the non-importation act came into operation, and before the Orders in Council were repealed, had in some degree a tendency to counteract the views of this Government.

But, sir, I hold it to be a plain and obvious maxim, that in a free State no citizen is bound to take notice of the views and policy of the Government, any farther than those views and that policy are clearly and plainly expressed in the laws of the land. To punish a man for an act done not contrary to law, but to the supposed views and policy of the Government, would be the very essence of tyranny. To the laws, and the laws only, are our citizens to look for our policy; so far as the laws go, so far are they bound to obey, but no farther. Adopt any other rule, and we have fought in vain—in vain have we bled for freedom—our Government is essentially tyrannical. What could our citizens find in our laws on this subject? Why, sir, they could find, that it was unlawful to import from Great Britain to the United States any goods, wares, or merchandise, whatever; that it was unlawful to ship them with an intent to import them into the United States; and that it was unlawful to purchase in this country any goods, wares, and merchandise, imported into this country contrary to law, knowing them to be so imported. This is all they could find. They found no prohibition against the purchase of goods in England, with an intent to ship them to this country as soon as it might be lawful to ship them. They were not, therefore, bound to take notice that such an act would remotely tend to thwart the views of this Government. This is the only circumstance that can make any difference in principle, between this class of cases and the other two. Unless then a rule, which is in itself most tyrannical and oppressive, is to be applied to this class, I may safely conclude that the three classes are in principle substantially the same, and that, unless we are false to our own principles, if we remit in one case we shall remit in all.

With regard to bonds given for merchandise shipped entirely on British account, I say nothing. I stand not here the advocate of any Briton; I plead only the cause of the honest American merchant. Do with the subjects of Great Britain as you please; but spare, I implore you, spare, your own citizens.

Good policy, in my opinion, requires that we should freely remit in all cases that are *bona fide* American. The merchants are a powerful class of the community, and ought at this crisis to be conciliated. At least we ought not to irritate them by reading to them the bloody book of the law in the bitter letter. Depend upon it, sir, our decision will be considered as evidence of our disposition towards commerce. These petitioners are comparatively few in number, but the merchants will consider it as a common cause.

These importers have placed an honorable confidence in the justice of their Government. They refused the aid which our privateers offered, to enable them to evade our laws; conscious of the uprightness of their intentions, they have openly, and in the face of day, brought these goods into the country, and placed them in our hands, trusting that their own Government would not rob them of goods, which even an enemy had spared. Sir, it would be disgraceful to betray a confidence so honorably and freely placed in us. But if gentlemen still think that we want money; that we ought to enforce the payment of these bonds, because we have the power to do it, I have only to beg them to remember, that it is excellent to have a giant's strength, but it is tyrannous to use it like a giant.

Mr. CLAY (Speaker) said, that he had participated with the Committee in the pleasure which they must have derived from the splendid exhibition of eloquence made by the gentleman from South Carolina (Mr. CHEVES.) He wished it had been unmingled with regret. But when he saw the honorable gentleman assailing, with his powerful talents, what he deemed an essential system of policy, he felt constrained, however incompetent to the task, to attempt its vindication. The gentleman appeared, indeed, to arraign the whole of the measures pursued by this Government for several years past, in reference to foreign Powers, though he knew his private sentiments to be in favor of the embargo. [Here Mr. CHEVES stated that, in speaking of the restrictive system, he did not mean to include the embargo, which he always thought a wise measure.] Mr. CLAY thought a concession in its favor admitted the propriety of the law of non-importation.

What is the principle of these restrictive measures? It is to create such a pressure on the foreign nation as would compel it to revoke its anti-neutral edicts. The embargo aimed to accomplish this purpose, by not only withholding supplies of the first necessity, but, at the same time, shutting up our market against the manufactures of the aggressors. The act of non-importation was, upon certain contingencies, substituted for it, and it left the export trade free, whilst it pressed upon the foreign nation, by an exclusion of her manufactures. In this respect, he thought it a measure fraught with more wisdom than the embargo, which, however, he had no doubt would have produced its effect, if it had been persisted in. Neither was designed to impair commercial enterprise. Far from it. The friends of both contemplated the emancipation of commerce from its unjust shackles. Commerce was suspended for the moment, that it might revive with more freedom and energy. The bow was unstrung, that it might acquire fresh vigor and new elasticity. And he considered that the proudest triumph which the friends of the restrictive system could enjoy, was the recent revocation of the Orders in Council—a revocation which neither regard for the laws of nations, nor a desire to preserve the peace and harmony of the two countries, could effect, but what that very pressure produced by the law of non-importation had achieved. Yes, the distress, the cries of the manufacturers—their haggard looks, produced by the operation of that law, had at length ascended to a corrupt Ministry, and occasioned a reluctant abandonment of those orders. Every deposition given in the House of Commons, on the late examination before that body, on this subject, was a panegyric on our interdiction of British manu-

factures. He would trouble the committee with one which he had just laid his hands upon. [Here Mr. C. read the deposition of W. Thompson.] And yet we are now called upon to abandon this system! We wanted firmness. We are deficient in the virtues of patience and perseverance. The embargo would have attained its object. It was, in a moment of panic, prematurely abandoned. And now, that the non-importation law has been demonstrated, by unerring experience, as capable of effecting its original design, we are asked to relinquish that also. He feared we should, in the same manner, get tired of the war. He viewed the restrictive system as a powerful auxiliary of the war. You may be defeated by sea and land. Your northwestern army may be ingloriously surrendered, (it did not become him here to say from what causes.) In another quarter of the Union your army, by fraud and chicanery, may be robbed of its recruits. The physical force of the country may be withheld, upon novel and dangerous constructions of the Constitution, menacing the total subversion of Government. Opposition, transcending all legitimate bounds, may be carried to the very confines, themselves, of treason. That base, degenerate spirit may exist, which, incapable of patriotic struggles itself, questions and derides the motives of those who nobly step forth in their country's cause—a flagitious spirit, which has been seen to assail the standing of two of his honorable colleagues, because they exhibited the more than Roman example in shouldering their muskets and flying to the protection of the frontiers, against a most savage alliance. But if you cling to the restrictive system, it is incessantly working in your favor.

But his friend from South Carolina had contended that we had thrice this session decided against this system, by refusing to entertain the proposition for an embargo. Mr. C. could not agree with him. He admitted, that a trade, in exportation only, could not subsist without a corresponding import trade, either in specie or commodities. But he denied that it must, necessarily, be in the forbidden fruit—English manufactures. He was free to declare that the exact limit to which he wished to see the export trade carried (until our rights are acknowledged) was the specie and commutables, other than British, into which its proceeds could be converted. What that limit was, Congress must determine. It must be left to regulate itself. He was opposed, therefore, to the embargo recently proposed. He was desirous that the merchants, acquiescing in the policy of their Government, should not continue heedlessly taking in payment for their cargoes to the Peninsula bills on London—thus placing their capital in the power of the enemy. If they persisted in it, he was for their doing it at their peril. Taking nothing but specie, or merchandise other than of British production, the restrictive system would distress the enemy, not only by closing an important market for his manufactures, but by exhausting his specie. For whilst he keeps up his large armies upon the Continent, subsistence must be obtained for them at any sacrifice, and if bills will not procure it, specie must be employed. A stream of specie, equal to twenty millions of dollars, the estimated amount of our exports to the Peninsula, continually flowing from any country, would soon exhaust it of the precious metals. Much less than this would endanger the stability of the paper system in Great Britain.

The gentleman from South Carolina says, that the manufacturing class in that country is inconsiderable—that the American consumption is not more than one-sixth of the exports of British manufactures. My friend's error consists in separating that class from, and carrying it against, the whole mass of British population. It is unfair, in estimating its consequence, to look only to the divided effect of which it is capable. It ought to be viewed as a co-operating portion of opposition. In that country there will always exist an opposition. And the question is, what quantum of weight will be thrown, by the discontents of the manufacturers, into the scale of that opposition, which is made up of the friends of Irish emancipation, the friends of parliamentary reform, those who are opposed to the Continental war, and that system of corruption and burden of taxes existing in that country. He believed, if persisted in, the restrictive system, aiding the war, would break down the present Ministry, and lead to a consequent honorable peace.

The gentleman deplores the gloom and distress which hover over our cities, and which he attributes to the restrictive system. Indeed had a stranger, unacquainted with their actual condition, heard his lamentations, he would have concluded that the melancholy state of ruin which they present is but little short of that of the famed Balbec and Palmyra. But what is the fact? Their growth and prosperity are without example. Where are to be found your magnificent palaces—your splendid equipages, your sumptuous villas—all the luxury of wealth? In these same pining, desolated cities, and their vicinities. It was, however, due to candor to say, that perhaps, next to New Orleans, the city of Charleston (of which his friend was the representative) has suffered more than any other by the shackles upon commerce. But he denied that it resulted from the measures of our Government. No, the gentleman has mistaken the cause of the disease. It flowed from the anti-neutral edicts. It proceeded from cutting off the market for the staple commodity of South Carolina. If it be true, as he has already admitted it was, that an export trade could not exist without an import trade, the converse of the proposition was no less undeniable. Suppose then the non-importation law not to have existed, how would Charleston or South Carolina have been able to sustain a trade in importation only? Cut off as she has been from a market for her cotton, where would she have found the means to pay for foreign articles? The immutable laws of trade would have created for that State a natural non-importation, if the Legislature had not prescribed it. If it be urged that she has enjoyed, in her rice and indigo,

(though the culture of this latter article has almost ceased,) some export trade, it is no less true that she has had the benefit of a corresponding, and probably an equivalent trade in importation from other countries than Great Britain.

It was remarkable to observe the inconsistency of the opponents of the restrictive system. Sometimes it was said to operate exclusively on the mercantile class. Then it was the agricultural class that bore its whole burden. He admitted that, if the export trade were limited in the manner he had suggested, this system would ultimately react upon agriculture. It was, however, but a temporary sacrifice, which that class was prepared to make for the permanent freedom of trade. We had heard of no complaints, received no petitions from that quarter. The great agricultural State of Pennsylvania, and other similar sections, were patient and patriotic. The time when it was proposed to relinquish this system, was not less impolitic than the proposition itself. If the benefits expected from it were even doubtful, this certainly was the period best calculated to test its value. Perhaps, at this moment, the fate of the North of Europe is decided, and the French Emperor may be dictating the law from Moscow. The British trade shut out from the Baltic, excluded from the continent of Europe, possibly expelled the Black Sea, perishing in South America, its illicit avenue to the United States, through Canada, closed; was this the period for throwing open our market, by abandoning our restrictive system?

He would next proceed to examine the claim of the petitioners to relief. And here he felt himself constrained to acknowledge that he had never been more embarrassed in the consideration of any subject whatever; he was impelled, on the one hand, by an almost irresistible disposition to grant the relief asked for; and, on the other, he had the strongest conviction of the utility of the restrictive system, and the necessity of clinging to it. The difficulty lay in reconciling an act of liberality to individuals with the public interest. Their case undoubtedly presented powerful pretensions to the generosity of Government. What was it? The repeal of our non-importation law had been made to depend upon the revocation of the Orders in Council. If they were so revoked, or so modified as that they ceased to violate our neutral rights, the President was required to declare the fact, by his proclamation, and then our law ceased. It was immaterial whether Great Britain repealed or modified her orders. It was immaterial what was the manner of repealing or modifying them. All that our law demanded was, whether the one or the other, in whatever form the repeal or modification was ordained, the repealing or modifying instrument should produce a given effect. It was not to be denied that the order of the Prince Regent, of the 23d June last, would have produced this effect. It satisfied our law. It was quite a different question, whether, independent of the law, it was such an abandonment of their system as he would require. He entertained no doubt that it would have been the bounden duty of the Chief Magistrate, if the two countries had remained at peace, to have issued the proclamation enjoined by our law. He would have had no discretion upon the subject. He had only to look at the operation of the Prince Regent's order, and it was such as our law had required. Mr. C. did not doubt that the British Government intended, by the condition with which it was coupled, to urge hereafter our implied consent to those Orders in Council, whenever it might determine to revive them. But the President could not have been restrained, by any such sinister design, from the performance of a positive duty. In the case of the arrangement, first with Mr. Erskine, and afterwards with the French Government, the manner in which the aggressive edicts of the respective countries was discontinued, was far from being unexceptionable. The President, however, looking to the substance of things, issued on both those occasions his proclamation, and he was right in doing so. Whether, therefore, the American merchant or his agent in England, prior to a knowledge there of the declaration of war, adverted to the terms of the law, the practice of our Government, on similar occasions, or the correspondence between Mr. Monroe and Mr. Foster, he would have been equally brought to the conclusion that the revocation of the Orders in Council in England, would have been followed by the repeal here of our non-importation law. Under these circumstances shipments were made. And, what puts the question beyond dispute, is, that the President, in the Message delivered at the opening of the present session, has said that the order of revocation was susceptible of explanations satisfying this Government.

Mr. C. thought that, in all cases, where the departure of the vessels from British ports was prior to a knowledge there of the war, relief ought to be afforded. Official information of that event, it appears, was received on the 10th of August. The shipments made, prior to that time, were made when the repeal of our law might have been fairly anticipated, and under ignorance of its continued existence. A still stronger class of cases, is that which consists of purchasers prior to the 2d of February, 1811. They bought, when the trade was unrestricted, and of course violated neither the prohibitory provisions of the law, nor the policy of the Government. When, by the President's proclamation of the 2d day of November, 1810, it became unlawful to introduce their goods subsequent to the 2d of February, they abstained from their introduction. While they ordered their goods not to be shipped from Great Britain, and thus abided by and conformed to the law, as good citizens, others violated the law and introduced their goods after the 2d of February, 1811. These were relieved from the forfeitures and penalties which they had incurred by the law of the ensuing month, prescribing as the rule the time of departure from the British ports, and not the arrival in America of the vessel. Shall we, then, thus suffer the violators of the law to escape, and punish its observers?

With regard to all who shipped after the 1st of August, the plea of ignorance of the continuance of the non-importation cannot be urged. They knew they were acting contrary to law. They were fully apprized of the fact, too, that this House had refused, before the declaration of war, to suspend the operation of the law. They were, probably, also informed that, after that event, propositions to repeal and modify it were rejected. The state of war itself rendered the trade unlawful. It was in vain to say they did not intend to violate the law. It was a palpable, wilful, undisguised violation. Remit the forfeitures in their case, and your law is virtually repealed. What is the present course of the trade, said Mr. C., to the Peninsula? It is to place American capital in Great Britain, which is constantly accumulating there. Its return can only be effected in British commodities. Having said to one class of shippers, after the war, that they shall be exonerated, how will you hereafter refuse another when they shall present themselves before you? Precedents are dangerous. The human mind, in a state of difficulty and embarrassment, was prone to take refuge under them. Remit, in all cases, as had been contended for, and you let in a flood, deluging the empire of the law, against which your utmost wisdom and sagacity will be unable to provide a competent embankment.

As to the terms on which relief was to be afforded or withheld, he was decidedly of opinion that there ought to be no conditions. The law ought to be enforced or not. He thought a compromise in the case dangerous and undignified. Indeed he felt shocked at the idea of an equivalent. Already are our laws too openly violated or fraudulently eluded. Shall we degrade them still further by carrying them into the market, and fixing a price upon their violation? Extend the principle of an equivalent from cases of prohibition merely to instances of moral turpitude—to felony and homicide—and every gentleman will see its enormity. No, sir, let us not pollute our hands with this weltgild.

The proposed equivalent contemplates taking from the merchant his extraordinary profit, leaving him the ordinary profit; fixing, therefore, a rule for future violations. Now, the ordinary profit is exactly that with which the merchant, in a regular course of trade, will be contented. He will trade with alacrity under the firm of the United States & Co., if you will leave him his customary profits, taking only the excess. But he would ask, if the firm gets into complete operation, what would become of the extra profit? Holding the opinion that he did in favor of the law of non-importation, he felt himself under the necessity of defending it no less against the open assaults of its avowed enemies, than the effects of the principle contended for by its professed friends. He was alone the solitary—he feared feeble—advocate of the law. The consequence of a general remission of the forfeitures was its virtual repeal. The consequence also of the equivalent contended for, by fixing as a standard the extraordinary profit, was its virtual repeal. He was for a remission in the specified cases, where remission appeared to him to be due. He was for an enforcement of the law in all other cases. He was opposed to the establishment of a principle which, if practised upon, and he did not see how it was not to be, if once adopted, under the delusive idea of taking the extraordinary profit, most completely prostrated the law.

But this principle of an equivalent was unjust, or impracticable in operation. One merchant has imported a gainful cargo, another a losing one. The same merchant has imported one parcel of merchandise on which he has made profit, and another on which he has sustained a loss; will you estimate the profit only, or take into view both profit and loss? How can you adapt any general rule to this variety of cases? Again: The extraordinary profits made upon the late importations result from the demand being greater than the supply. They will be divided between the importer, the jobber, and the retailer. Will each be compelled to relinquish his portion? And if not, upon what principle of equality can you take from the one and not the other? If it be urged, that the importers only have violated the law, it must be allowed, that the others are in the condition of accessaries after the fact.

He would touch an incidental question which had been started, and cease with, he feared, his unprofitable discourse. It had been questioned, whether Congress had the power to remit the moiety of forfeitures claimed by the officers making the seizure. The law which creates the forfeiture, reserves the unqualified power of remitting the whole or any part. It is true, that it has vested that power, for convenience sake, in the Secretary of the Treasury. Congress may, however, abolish that office entirely, and place all its functions in some new institution, or, without abolishing the office, it may transfer the remitting power, or resume it themselves. In all these instances, it would be a mere change of tribunal. The principles which would guide in a decision of the question of remission, it is to be presumed, would be those of justice, and that is all the parties affected have a right to expect. If there be cases in England, where the Crown is supposed not to be authorized to remit the informer's part of a penalty, he apprehended, on investigation, it would be found to proceed from the power of remission not being reserved to the Government in the law denouncing the penalty, as it is in our laws. Mr. C. concluded by submitting the following resolution:

Resolved, That as far as respects the case of citizens of the United States who purchased goods, wares, and merchandise, the growth, production, or manufacture of Great Britain, prior to the 2d of February, 1811, and of citizens of the United States who shipped similar goods between the 23d day of June and the first day of August, the petitioners ought to be relieved by a remission of the forfeitures and penalties which they have incurred, upon payment of legal costs; and that on all other cases of the petitioners, a recovery of the forfeitures and penalties incurred ought to be enforced.

Mr. McKIM said, I beg the indulgence of the committee, while I offer a few observations on the subject under consideration. I would not have troubled the Committee with any remarks on the subject that has already been fully and ably discussed, did I not see principles contended for that, in my judgment, must lead to an erroneous decision. Under these impressions, I deem it a duty I owe my constituents not to suffer a question to be taken in which their interests are so deeply concerned, without presenting my views to the Committee.

Mr. Chairman, in considering the question immediately before the Committee, whether we will adopt the report of the Committee of Ways and Means, and refer the petitioners back to the Secretary of the Treasury, the whole merit of the petition is brought into view; and another question is presented to the mind, namely—whether, under all the circumstances of the case, the petitioners have committed such an offence against the laws as will authorize an exaction of the penalties? and to this point my observations will principally be directed.

Mr. Chairman, in the view I take of the subject, I discard all calculations on the profits of the petitioners, as having no bearing on the question to be decided. The profits go with the ownership of the goods that produce them; and, whether the profits were great or small, it can have no effect in deciding a question of right between an individual and the Government. It has, indeed, been intimated, that the extraordinary profits made by the petitioners' on these goods, accrued from the existence of the non-importation law, which precluded any serious competition in the market; and therefore it is reasonable that the petitioners should yield up to the Government the extraordinary profits so accruing.

Mr. Chairman, this does not appear to me a correct view of the subject. The law was not passed or the benefit of the petitioners, but for the public good; and if individuals have accidentally derived an extraordinary profit from the existence of a law passed for the public good, they are entitled to hold it. But the rule, to be good, must work both ways. If it be just to take from the petitioners the increased profits that have accrued from the existence of one restrictive law, then it will be just to indemnify them for losses sustained by the operation of other restrictive laws; and, in this view of the subject, the balance will be largely against the Government. I cannot decide this question by the counting-house principle of profit and loss; but by the principles of justice, and of national policy, it must be all or nothing—there must be a forfeiture or a release.

Mr. Chairman, the petitioners come before Congress as violators of the law; they confess that they have imported goods that were prohibited by law; and, unless circumstances can be shown that will bear their case out of the general principle, the penalties of the law must be inflicted. I am not prepared to pass an act of grace in their favor, if they be guilty. But if they have incurred penalties without guilt, I am ready, as far as my vote will go, to relieve them. What, then, were the circumstances under which the petitioners imported these goods? and what were the motives that induced them to import goods prohibited by law?

Mr. Chairman, I will answer this question by a concise history of the transaction: The petitioners had their property in England to a large amount—to an amount that in many instances, if lost, would be ruinous to them—a war with England was confidently expected to be on the point of breaking out. They saw their property in danger of confiscation if it remained in the enemy's country; and if not confiscated, that it must remain there during the period of the war. In either case they could see nothing but ruin. And if they brought their property home in the face of the law, it could not be worse with them—it could only be ruin. In this difficulty and choice of dangers, the property was shipped; the petitioners chose rather to rely on their own Government for favor and indulgence than on the enemy. These goods had been ordered upwards of two years ago; and remittances made, in payment of a large portion of them, when it was lawful to order, and to pay for goods in that country: but they were prevented from getting them home by the non-importation act. On the 23d of June last, the British Orders in Council were revoked; and it was generally understood that the non importation act would cease with such revocation. The case was pressing with the petitioners; the apprehension of war was great; and the agents of the petitioners in England, without waiting to know whether the revocation of the Orders in Council was satisfactory to this Government, shipped the goods; but, before they arrived, war had intervened; the non-importation act was not repealed, and the goods were seized on their arrival in this country.

Mr. Chairman, these goods, while in England, were in the hands of agents there, and subject to their disposal; they were out of the power and control of the American owners. The owners had no agency in giving them that direction that wrought the forfeiture contended for; on the contrary, the American owners (the petitioners) did everything that was in their power to prevent a violation of the law. Their uniform instructions to their agents were, not to ship their goods to this country while the Orders in Council remained in force; for, as I have already said, it was understood that the non-importation law would cease with the revocation of these orders. In addition to the testimony referred to by the Committee in their report, going to prove the respect for the laws, that governed the conduct of the petitioners in this transaction, I beg leave to read, from a report of the examinations in Parliament on the subject of the Orders in Council, sundry letters from American merchants, all which forbid the shipment of their goods, until the Orders in Council were repealed. These letters, written without any view to have a bearing on the question before this Committee, brought forward in another country, and for another purpose, is evidence of a high

character; and, so far as it goes, tends to acquit the petitioners of any intention to introduce these goods in violation of the laws of their country.

Mr. Chairman, these goods were not attempted to be smuggled into the country; no, they came boldly, in confidence that the prohibition of British manufactures had ceased with the revocation of the Orders in Council; and in confidence, that if the prohibition had not, by any formal act, been repealed, their goods, fleeing from the grasp of the enemy, would not be confiscated on entering their own country. Was it a crime for the petitioners thus to withdraw their property, on the event of a war, from the enemy's country, where it was in such danger of being lost to the owners; where it might have been employed by the enemy to carry on a war against us; and to place it in their own country, where it has yielded a handsome revenue to the Government; and where it may otherwise be usefully employed for the benefit of the nation? Surely this was not a crime. And I would ask, is there an honorable gentleman in this House, that would not have pursued the same course, under similar circumstances? And shall we punish others for what we, under similar circumstances, would have thought it right to have done? I hope not. There is in the whole of this transaction a want of that intention to commit a crime that is essential to the very nature of guilt; and without guilt, I hope the American Government will not set the example of inflicting punishment. It is the intention, or motive, that marks the character of an act; and not the act itself. If I break into a house with intention to commit a crime, (say murder or robbery,) the very act of breaking into the house is a crime punishable by the laws, although the murder or robbery was not committed. But if the house be on fire, and I break in for the purpose of saving the family, or to prevent the spread of that destructive element, it will be no crime; no punishment will be inflicted, because there was no intention to do a criminal act. And the petitioners appear before this committee under circumstances equally free from guilt, and equally entitled to be exempt from punishment.

Mr. Chairman, it is true that the letter of the law has been broken, goods have been brought into the country contrary to its provisions; but under such circumstances of necessity, such apprehensions of ruin to the owners, if they were not brought; and with such purity of intention on their part, as ought, in my opinion, to avoid the penalties. The case of the American ship Horizon will be remembered. At a time when British manufactures were prohibited in France, this ship, laden with British manufactures, was thrown on the coast of France by an act of Providence—where the vessel and cargo were confiscated, under the prohibitory decree. Gentlemen will remember the universal indignation that was excited by this inhuman act. It is true that the goods were not brought into this country by an act of Providence: but the owners generally had as little agency in bringing them in, as the owners of the Horizon had in casting that ship on the coast of France. I hope the American Government will not sanction a procedure so nearly assimilated to one on which we have bestowed so much censure.

Mr. Chairman, I ask, what is there in this transaction that will warrant a forfeiture of the petitioners' property, thus brought into the country, notwithstanding the non-importation law was not repealed? The whole of the business was transacted by agents in England, over whose acts the American owners could have no control. No fraud was intended, no crime was committed, no injury was done to the public or to individuals—both were benefited. But the law was broken. How? By the entry into our ports of goods, American property, drawn from the enemy's country on the eve of war, under apprehensions of seizure, and fleeing as it were from the grasp of the enemy. These goods, if they had remained in the enemy's country, might have been turned against us, they might have been converted into a means of carrying on the war. They have been brought home, and have yielded a large sum to the revenue; and otherwise have contributed to the convenience and resources of the public and of individuals; and shall property brought into the country, under circumstances of such necessity, and apprehension of danger, be forfeited? I hope not. I hope the Representatives of a free people will never sanction a procedure so cruel, not to say unjust.

Mr. Chairman, it may be asked, what objection can there be to a reference of this case to the Secretary of the Treasury, under the existing law empowering him to mitigate fines, penalties, and forfeitures, as proposed by the Committee of Ways and Means? Although I have the highest respect for the honorable Secretary, and no gentleman, I am sure, has greater confidence in his integrity and talents than I have, yet, as he has declined to act in the business, and the petitioners have thought proper to bring their case before Congress, I, for one, am not willing to turn a deaf ear to their complaint, and refer them back to the Secretary or to any other tribunal. I am disposed to decide on their case. I do not think it wise or compatible with the principles of our civil institutions to leave cases of such magnitude to the decision of one man, however wise, capable, and virtuous, he may be; he may err; a degree of imperfection attaches to human nature in its best and most improved state. In most of the States, it has been thought expedient to limit the sum on which an individual might legally decide to a mere trifle. Few, if any, of the States, suffer the amount of one hundred dollars to be decided on, without a jury of twelve men; and will this Committee, in a case amounting to twenty millions of dollars, and involving the fate of an entire class of citizens, turn it over to the decision of one man? I hope not.

Mr. Chairman, a distinction has been set up between cases of goods shipped before a knowledge of the war in England, and those shipped after a knowledge of that event. To my view there is little difference between these classes;

and the latter class appears to me the most entitled to indulgence. The principal reason for a release of the penalties in the former case, is the apprehension of danger, under which the goods were shipped; and this danger was not diminished by a knowledge that war had taken place; on the contrary it was increased; what was apprehended in the former case, was realized in the latter; war had broken out, and the petitioners' property, lying in the enemy's country, was exposed to all the dangers that result from a state of war. I cannot agree to this distinction as a principle of decision. If a distinction is to be made, it ought to operate on purchases made after a knowledge of the war, and not on the shipment. But I do not think a line can well be drawn.

Mr. Chairman, it has been intimated that the petitioners have covered the forfeitures in the sales of their goods; that they have sold at prices that will enable them to pay the forfeitures; that they have in this indirect manner levied a tax on the consumers, in the amount of their respective proportions of the forfeiture, and that it would be unjust to remit the forfeitures to the petitioners, and again tax the consumers for money to meet the expenses of the Government. I do not think that statement correct; I do not think the forfeitures have generally been covered by the sales; but if they were, I would observe, that the petitioners are also consumers, that they live generally in commercial cities, that they raise nothing from the soil for the clothing or provision of their families, and of course consume largely of imported articles, and as consumers have borne their full proportion of the forfeitures, and will participate on equal terms with others in any new tax that may be laid.

Mr. Chairman, it has been observed, that a release of the penalties in this case would break down the restrictive system on which so much reliance has been placed. That we could not, after such release, exact penalties from others who may hereafter contravene the laws. I confess I do not see the force of this objection; the petitioners have a claim to indulgence that cannot again be set up; their goods were brought into the country under an impression of an immediate war, to get them out of the enemy's power, and under a persuasion that our prohibitory law had ceased to operate. These are circumstances that cannot again happen, and that plead loudly in favor of the petitioners; the danger is now known; none can fall into it unawares; none can hereafter plead a like necessity.

Mr. Chairman, under every view I have been able to take of the subject, it appears to me that the petitioners are certainly entitled to relief, and under this impression I am disposed to give my vote against the report of the committee, and if the proposition mentioned by the honorable chairman of that committee, for a general release in all cases of American property, shall be brought forward, I will give it my firm support.

At 3 o'clock the Committee rose, reported progress, and obtained leave to sit again.

On motion, the House adjourned.

TUESDAY, December 8.

Another member, viz: from Virginia, WILLIAM A. BURWELL, appeared, and took his seat.

Mr. CHEVES, from the Committee of Ways and Means to whom was referred the amendments of the Senate to the bill "making an appropriation to defray expenses incurred, or to be incurred, under an act, entitled "An act to authorize a detachment from the militia of the United States," reported the agreement of the committee to the said amendments.

The amendments were then read, and concurred in by the House.

On motion of Mr. McKEE, the letter from the Secretary of State of the 3d of July, 1812, enclosing his report on the memorial of William Lambert of Virginia, relating to a first meridian for the United States, was referred to a select committee, with leave to report by bill, or otherwise. Mr. MITCHILL, Mr. PITKIN, Mr. SEYBERT, Mr. McKEE, and Mr. CALHOUN, were appointed the committee.

On motion of Mr. POINDEXTER, a committee was appointed to inquire whether any, and, if any, what, amendments are necessary to the acts extending jurisdiction, in certain cases, to the Superior Courts of the several Territories of the United States, with leave to report by bill or otherwise; and Mr. POINDEXTER, Mr. HYNEMAN, and Mr. SUTRGES, were appointed the committee.

MERCHANTS' BONDS.

On motion of Mr. CHEVES, the House again resolved itself into a Committee of the Whole, on the report of the Committee of Ways and Means on the merchants' petition.

Mr. WIDGERY.—Mr. Chairman, we have been several days on this business of the bonds, and the chief of your time has been taken up in an investigation of the merchants' accounts, and examining letters, to prove their loss and gain; this appears to me to be raising a phantom for the purpose of showing our valor in fighting it. What possible bearing can this calculation have on the question before the House, except to ascertain how much the merchant could afford to give to be let off, and thence by establishing the price for the crime of which, gentlemen are pleased to say, the merchant is guilty. Sir, are you willing to take seven years, and average the loss and gain; are you willing to restore to wealth and affluence the thousand merchants who have become bankrupt by venturing to sea? The answer will be, No—and a very proper one. Government ought to have nothing to do with the loss of the merchant; in this all will agree. Will not the same reasoning apply as to his gain? It appears to me it will. What assistance does Government give the merchant now? Not a single convoy, even along shore; not in a single instance have their vessels or property been convoyed; they are left to their fate. They launch off into an ocean of uncertainty; their adventures have given you five million and a half of dollars, without which you must have resorted to a land tax to support your war. The honorable Speaker, yesterday,

when on the floor, although for remitting in part, thought he must be in fashion, and give the merchants a shot, as he passed. In answer to the gentleman from South Carolina, who had mentioned the distress of the seaports, he pointed you to their rich furniture and costly equipage. Here, I thought, the honorable Speaker had forgotten himself, for if that was to be the criterion by which to squeeze money from the citizens, the Speaker would be squeezed very hard, for I know of no man who rolls on the wheels of luxury in more magnificent style than does the honorable Speaker. At the last session of Congress, when the question was brought before the House, to allow the importation of British goods, I was opposed to it, because I then thought it was impolitic in the extreme to relieve England in a case which, of all others, most distressed her, that of confining her manufactures at home. In the present case the goods are here, and whether you take the advantage of the bonds or not, remit or not, it is immaterial to the British manufacturer; he has got pay for them; no advantage, therefore, which you may take of the bonds can injure your enemy, except in those instances where the British merchant may have consigned to orders, in which case, I am willing to admit, they are British goods until delivered, if shipped by a British subject. When the gentleman from Kentucky was up, in support of the report of the committee, after he had read over many letters from the merchants' counting rooms and compared them, and attempted to show their disagreements, but to no purpose, from the goodness of his heart he was pleased to carry the merchants into a court of chancery to examine their errors, in a case that could have no possible bearing on the question before the House. Sir, I ask for the merchant no such favor; I am willing they should be tried by the rigid rules of law, not the mere letter of the law, but according to the spirit and true meaning thereof; and, for this purpose, I am willing to take the highest crime the law knows of, homicide: A man is found dead in the street, a coroner's jury is summoned to inquire how the man came by his death, they bring in a verdict for wilful murder, the perpetrator is taken, the grand jury indict for wilful murder. Here, then, were no further proceeding to be had in the case, the perpetrator must receive sentence of death. Both these juries have acted according to the letter of the law. But he has another chance for his life before an impartial jury, where he has a right to challenge all whom he may think has aught against him, to the amount of twenty-four, without giving a reason, and as many men as he can give to the court good reasons for challenging. Sir, I think if the merchants had the same right here, it would leave a very thin House.

The jury is empannelled—this jury is to try the cause, according to law and the evidence given them. This I call the spirit and intention of the law. In this action the jury may give either of their verdicts—if the killing was without excuse, they may give a verdict of guilty; if, though violently attacked, it appears to the jury that the prisoner might have escaped without killing his assailant, they may give a verdict for manslaughter; or, if necessary to the saving his own life, the prisoner killed his assailant, they may give a verdict of not guilty: it being what the law calls excusable homicide. And this doctrine of excusable homicide has been carried much further. If a man in the street is pursued by a person, who, he thinks, has a design to kill or injure him, he may turn and kill his pursuer; and, though on trial it turns out in evidence that the pursuer was innocent, if it appears to the jury that any circumstance or situation in which the prisoner stood, immediately antecedent to the killing, he had good grounds or reason for his suspicion, they may give in their verdict not guilty: this being, according to the spirit of the law, excusable homicide. This last case will, I apprehend, be thought, by some of my hearers, a very extraordinary one; but I will put a case which, in a moment, will convince them: A man, having long black hair, paints himself like an Indian, to prevent their shooting him as he passes them in ambush; in his travelling through a wood, he hears an Indian yell; he starts: in his flight is discovered by a white man ahead, who, thinking himself pursued by an Indian, shoots him dead on the spot; will not every man excuse him?

Will this Committee refuse the merchant as fair a chance as they would give to a man indicted for murder? Kind Heaven, forbid it! It cannot be so—this Temple of Freedom cannot so soon be thus polluted. Suffer me, then, to state the case of the merchants; and to show to this Committee that they are not guilty of those factious and treasonable actions, which the gentleman from Pennsylvania was pleased to mention on Saturday, in the course of his observations. But here I would remark that the gentleman from Pennsylvania acknowledges himself to have been in an error last session, in voting to admit British goods, and has asked pardon of his constituents for the error he has committed. I have no doubt the gentleman then acted from the purest motives, and was as sure then that he was doing right, as he is now; but, having detected himself in an error last session, he ought to recollect that, what has been may be again; and, however sanguine the gentleman may now be, that he is right, in the opinion he has formed against the merchants, let him remember that the apostle Paul, through his over-zeal, thought he was doing God service when he persecuted the church of Christ. I mention these things to show how liable mankind are to err, and how careful we ought to be when deciding on cases of great magnitude—we ought to divest ourselves of all interested motives, hear patiently, and decide with candor. The tax of the planter ought never to have been brought into this debate. These are considerations foreign from the question before the House. The real question before the House is, has the merchant violated the true spirit and meaning of the laws of his country? I wish to be understood as meaning those only who are American citizens, and who imported only their own property;

for those, I plead not guilty. I will endeavor to show that they are as innocent as the man who killed his pursuer. As to a violation of the non-importation law—if such a law existed—sir, the non-importation law was made to injure England, and to compel her to do us justice without resorting to arms—it did not answer the purpose—we were obliged to declare war, and, in the act declaring war, I am of opinion that the non-importation law was absorbed or merged. If so, there can be no violation of a dead letter. To import, means to bring in; the law alluded to was made to prevent the bringing in British manufactured goods. When you declared war, every armed ship, public and private, had a right, by the laws of war, to bring in all kinds of goods manufactured in Great Britain or her dependencies; and, unless you can show that the non-importation law is saved by some clause in the act declaring war, it is superseded; and, if so, the citizens have a right by treaty to bring in their property for a given time after the war. But, sir, I will consider the case in another point of view; and, if you please, say the war did not do away the non-importation law, which was, as I before observed, made to injure England. Would she be injured by buying her goods, and paying for them, and leaving them within her reach, that she might, after being once paid, seize them, and thus make a double advantage? Certainly not. It would be more in compliance with the spirit of the non-importation law, to bring them off, and in strict compliance with the laws of war. But it has been said the merchant broke or violated your laws, while in England. Sir, a merchant from this country has a right when in England, or any other country, to trade in any article of merchandise, not contrary to the law of the nation with whom he resides; he is without your jurisdiction; your law cannot reach him for anything done there, unless you prove the intention, and that he carries it into effect. Hence, I conclude that a man, when he buys goods, has as good a right to store them in his ship as in any other place. Nor will either the purchase or the putting them on board the ship, in another country, prove that he had any intention to injure or violate the laws of his own country; all this might be done with an intention to send them to some other place, and not to come home. Or, having stock in England, he chose to purchase goods and lay them by in order to be ready for the first market at home, when his country should admit them. In all this, nobody will pretend there is any violation of our law. It is the way in which he has been brought up, and which he follows for the support of his family. Having a quantity of goods on hand, he waits patiently for the time—at length it arrives—the Orders in Council are revoked—he now leaps for joy—he looks into the non-importation law of the United States, and, by the second section, he finds it enacted:

"That in case Great Britain shall so revoke or modify her edicts as that they shall cease to violate the neutral commerce of the United States, the President of the United States shall declare the fact by proclamation, and such proclamation shall be admitted as evidence, and no other evidence shall be admitted of such revocation or modification, in any suit or prosecution which may be instituted under the direction of the act to which this is a supplement. And the restrictions imposed, or which may be imposed, by virtue of the said act, shall, from the date of such proclamation, cease and be discontinued."

By this section of the law it is clear that the President was expected to revoke the law. The word "shall" is imperative on him. The law commands him to proclaim it, and Mr. Monroe's letter of July 26th, 1811, to Mr. Foster fully proves the President intended so to do. It cannot be misunderstood, for he says:

If Great Britain will cease to violate the neutral rights of the United States, by revoking her Orders in Council, on which event alone the President has the power, I am instructed to inform you, that he will, without delay, exercise it by terminating the operation of this law."

Sir, they were so revoked, and she did cease to violate our commerce, but the declaration of war prevented the President from exercising the power, had there been no other obstacles in the way. Sir, we are to take mankind as we find them. Every man is not a lawyer, nor every merchant a statesman. A man who is continually busy in his mercantile affairs, cannot be expected to understand all the minute circumstances which may occur; he understands the law just as it reads; he knows nothing of the war; and his reason tells him, after looking into the second section alluded to, and looking into Mr. Monroe's letter, that, before he can possibly get home with his goods, the non-importation law will be off. Notwithstanding all this burden of proof in his favor, he goes to Mr. Russell, and advises with him; he tells him to ship his goods; that he has no doubt of the revocation of our law, by the President's proclamation, before they can possibly get home. And one other proof is given in their coming with their goods, and delivering them to our officers, which, in my opinion, is as strong as any proof can be, in their favor; for no man in his right mind would set out from England to bring all he was worth with him, and deliver it here, if he expected the Government would take it from him. Is it possible that, with all this press of evidence in favor of a revocation, any man could disbelieve it? I think not. Has he not as strong ground for his belief as the man who killed his pursuer? It was his belief that made it excusable in him. Here, then, is the evidence on which the merchant founded his opinion. You cannot get clear of it. If, then, you believe he had just ground on which to form such an opinion, it is your duty, acting according to the true spirit of the law, to excuse him. Should the decision be otherwise, I shall be obliged, in spite of myself, to believe the merchants have not so many friends in this House as I thought they had. With me, it is impossible; I never can consent to condemn the innocent with the guilty; it is contrary both to the law of God and man.

Mr. Calhoun.—Mr. Chairman, the subject now under discussion was first brought under the notice of Congress, by the following paragraph in the President's Message at the commencement of the present session: "A considerable number 'of American vessels, which were in England 'when the revocation of the Orders in Council 'took place, were laden with British manufactures, 'under an erroneous impression that the non-im-'portation act would immediately cease to oper-'ate, and have arrived in the United States. It 'did not appear proper to exercise, on unforeseen 'cases of such magnitude, the ordinary power 'vested in the Treasury Department to mitigate 'forfeitures, without previously affording to Con-'gress an opportunity of making on the subject 'such provision as they may think proper. In their 'decision they will doubtless equally consult what 'is due to equitable considerations and the public 'interest." So much of the Message as has been just read, was referred to the Committee of Ways and Means. Their report constitutes the subject of our present deliberation, and of which the following is the material part:

"That on the view of the whole subject, the Committee are of opinion that the Secretary of the Treasury has full power to remit or mitigate the penalties and forfeitures incurred, should an interposition in either way be called for by the circumstances of the case; and, therefore, recommend that it be

"*Resolved*, That it is inexpedient to legislate upon the subject, and that the petitions with the accompanying documents be referred to the Secretary of the Treasury."

My object in presenting to the view of this Committee the President's Message and the report, is to call their attention to a total want of accordance between them. It is almost an abuse of language to call it a report. A report ought to comprehend the subject of reference, and be to it as a conclusion is to its premises. On reading the report only, the natural conclusions would be, that we were consulted as lawyers and not as statesmen; that the point of doubt in the Executive mind turned on the construction of our acts, and not on what justice, humanity, and sound policy demand. The report informs us, that the Secretary of the Treasury has power to remit or mitigate the penalties incurred, and from this fact it draws that negative proposition on which we are now deliberating. It is not a little curious to observe how formally and fully the Committee have decided on this power of the Treasury Department, doubted neither by the President or Secretary, nor indeed by any one; while they overlook those interesting considerations, towards which the Executive has directed the attention of Congress, "what is due to equitable considerations and to the public interest," in relation to "unforeseen cases of such magnitude." They are in truth cases of magnitude. Twenty millions of property await your decision, a sum equal to nearly half of the annual export of this country, and quite equal to the entire export in the best years of the whole country between Washington and New Orleans. It is difficult to realize magnitude when expressed in numbers only. To form a just conception we must aggregate the whole annual products of cotton, rice, and tobacco, with a large proportion of the breadstuffs of this country. I would be happy to know on what principle of policy or reason so large an amount is to be left to the decision of any individual. Is more wisdom, more virtue or public confidence, to be found in the Treasury Department, than in the assembled Representatives of the nation?

What, sir, constitutes a feature in this report still more extraordinary and objectionable, is the apparent understanding between the Committee and the Treasury Department. They coyly refuse to recommend any positive act of legislation, while they indirectly intimate what they wish and expect the Secretary of the Treasury to do; or, in other words, we are called on really and virtually to legislate, while we are informed that it is improper so to do. For, among the documents reported by the Committee of Ways and Means, as forming the basis of their opinion, is a letter of the Secretary of the Treasury of the 23d of November, which contains the following paragraph: "Upon the whole, I continue in the opin-'ion, submitted with great deference to the Com-'mittee, that one-half of the forfeitures which 'would otherwise fall to the collectors ought to 'be remitted; but that with respect to the one-'half belonging to the United States, justice to the 'community requires, that when remitted, at least 'an equivalent may be secured to the public for 'the extra profit beyond that on common export-'ations, which arises from the continuation of 'the non-importation act." Here, sir, the opinion of the Secretary is explicitly stated relative to these unforeseen cases of such magnitude, and the conclusion is irresistible, that the Committee in referring them to his decision must have approved of it.

The true question, then, before the Committee, is not to be found in that negative resolution reported by the Committee, that it is inexpedient to legislate on these cases; but in that part of the letter of the Secretary of the Treasury which I have just read. Yes, we are now deliberating, in effect, whether it is proper to exact of the merchants their extra profit; and whether this ought to be done through the agency of the Treasury Department. I presume, the truth of this opinion will not be controverted; should it, however, ample proof will be found in almost every sentence of the report and the speeches of the gentlemen in support of it. They are literally compounded of laborious investigations to ascertain the extra profit of the merchants on their late importations.

Now, sir, without pretending to controvert the policy of taking the extra profit, I do assert, that it cannot be legally effected through the Secretary of the Treasury. It exceeds his powers. The non-importation law, under which the forfeitures accrued, refers to the act of 1797 to ascertain the powers of the Secretary in relation to cases of this kind. On reference to that act, his power will be found to be strictly a mitigating and remitting power, and has for its object the remedy

of an imperfection incidental to all human laws. The best worded act must comprehend many cases within the letter, that are not within its spirit or intention. In every well regulated government, an equity exists somewhere to remedy this object; to mitigate the rigor of the law. The act of '97, for greater security of the revenue, vests this power in relation to our revenue laws in the head of the Treasury Department. The real object of those laws is to punish only the negligent or wilful violators; but, like other penal acts, they are couched in general terms, and comprehend those who by necessity or ignorance violate them. That the Treasury might be secured and the law at the same time administered in its spirit and intention only, and not its letter, this power was delegated to the Secretary of the Treasury. To establish the correctness of this exposition, I will read the act of '97:

[Here Mr. C. read the act.]

Now, sir, though I admit, with the report "that the Secretary of the Treasury has power to mitigate or remit," I do most unequivocally deny, that he has legal power to effect what is proposed to be done by the Committee, to levy the extra profit. The two powers are most essentially different. The one is of a judicial and equitable character, and has for its object guilt or innocence; the other that of assessment or taxation, and has for its object not guilt or innocence, but profit. The latter is strictly a moneyed transaction; the former relates to the administration of the penal laws of the country. The one is administered in perfection, when due regard is had to all the circumstances as they constitute guilt or innocence, and the law applied accordingly; the other, when proper and correct estimate is made of the usual profits of trade and that on the late importation; and the difference only levied.

The power of the Secretary under the act of 1797 is not arbitrary, to be exercised or not, according to his pleasure; but he is bound to exercise it according to the rules of a sound discretion: if guilt appears he cannot withhold the law; if innocent he cannot apply it. The effects of the two powers strongly mark their contrariety. When circumstances of guilt or innocence only govern the Treasury in the exercise of this power, the consequence is love and reverence for the laws; but, if they are neglected, and the profit of the merchants only regarded, in the place of those sentiments will be disgust and hatred. You may, indeed, have a full Treasury, but you will find empty affections. More need not be said, I hope, to prove that the extra profit cannot be taken from the merchants under the power of the Treasury Department to mitigate or remit forfeitures. It is essentially a taxation; and not only is not delegated to the Secretary of the Treasury by the act of 1797, but cannot be by any act of ours. It is a power which the Constitution has sacredly deposited in Congress. It is incommunicable. I am aware, that the extra profit may be taken under the semblance of the mitigating power; that the forfeiture may be reduced to it. But this cannot change the nature of the transaction. The question will still be, is it a moneyed transaction, or a fair administration of the penal laws of the country? Is the object profit, or the execution of the laws? The circumstances of the case will readily decide its character. Profit and justice are not easily confounded. It is not an unusual thing for power to assume a guise; and even to appear to be the very opposite to what it really is. I impute no blame to the Committee of Ways and Means. They have overlooked the character of the power which they wish the Secretary of the Treasury to exercise. It is an act of inadvertence, but is not the less on that account to be resisted. Precedent is a dangerous thing; and it is not unusual for executive power, even unknown to those who exercise it, to make encroachments of this kind. What has been the end of all free governments, but open force, or the gradual undermining of the legislative by the executive power? The peculiar construction of ours by no means exempts us from this evil; but, on the contrary, were it not for the habits of the people, would naturally tend that way. The operation of this Government is an interesting problem. I wish to see the whole in full possession of its primitive power, but all of the parts confined to their respective spheres. These, sir, are my reasons for rejecting the report of the committee.

I know it will be said, that it is much easier to censure than to advise; to reject the report than to point out what ought to be done. I am ready to acknowledge it, and to confess, that I have felt much solicitude and difficulty on this subject. But the view which the committee has presented has constituted no part of my embarrassment. I am entirely adverse to taking any part of the extra profit, whether through the agency of the Treasury Department or this House.

If our merchants are innocent, they are welcome to their good fortune; if guilty, I scorn to participate in its profit. I will never consent to make our penal code the basis of our ways and means; or to establish a partnership between the Treasury and the violators of the non-importation law. The necessity of causing our restrictive system to be respected, while in existence, and the difficulty of applying its penalties to "cases of such magnitude," constitute my embarrassment. On the one hand if the law should be enforced, thousands will be involved in ruin; on the other, if an act of grace should be done, your restrictive system will be endangered. Had the conduct of the merchants been dictated by any open contempt of the laws, or it had been entirely free from blame, our course would have been plain. None would have hesitated in the one case to have let the vengeance of the law fall on the guilty; or in the other to extend its protection to the innocent. I am ready to acknowledge, that the importers were not sufficiently circumspect and guarded. The nature of the restrictive system, the posture of affairs, the recent decision of this House on a motion to repeal the non-importation act, ought to have put them on their guard. Candor also compels me to state, that I cannot admit any argu-

ments on this question to prove the impolicy of the non-importation act; or the advantages to the community from the late importation. I can never admit as apology for the violation of the law, what was considered as an insufficient reason for its suspension, and cannot doubt that even the worst of laws ought to be respected.

But, sir, the difficulty on the other side appears to me more formidable. An indiscriminate forfeiture would, I fear, not be considered as punishment. It would be thought oppression. Punishment, by the infliction of a partial evil, proposes to avoid a greater; by making some the subjects of its pains, to make all of its terror. The culprits in this case are too numerous for example; particularly as the infraction of the law is of a doubtful character. This is by no means an unprecedented case; numbers have often brought impunity. It is so in the worst of crimes; even in treason, where in some instances a considerable portion of the community is involved. Some gentlemen who have felt this embarrassment, have proposed to distinguish for punishment the head and leaders of this infraction of the law. My friend from Kentucky (the Speaker) has made two favored classes; the purchasers of British goods before the 2d of February, 1811, and the shippers before the 1st of August last; that is, before the declaration of war was heard in England. The first class is favored from a supposed innocence of purchase; the other from innocence of shipments. It is not necessary to prove the error of this discrimination. If true, it does not extend as far as it ought to do. For, if innocence of purchase is a sufficient reason for exemption, how can we condemn the goods purchased before the 1st of August? For if shipments might be made before that period, surely purchase might; and if the last, then, according to the distinction in favor of purchasers before the 2d of February, they also ought to be exempted from the forfeitures. The cases then are too uniform for discrimination; and nothing remains, but to condemn or acquit the whole. I feel myself compelled to yield to the magnitude of the case. I cannot find it in me to reduce thousands to beggary by a single stroke; nor do I suppose there is one in this House in favor of so stern a policy. I am ready to acknowledge, that an act of grace will weaken the non-importation law; but that is a less evil than the alienation of the whole mercantile class. It is left to us to regret, that the wise foresight of my two honorable friends and colleagues was not adopted the last session. It was then proposed to suspend the law for the introduction of this very property; but it was borne down by the clamor of the day. Had that been done, we would not have been reduced to the present state. Our laws would have been saved and our merchants contented.

A subject, not necessarily involved in that under discussion, has been introduced by those who have preceded me in the debate. In imitation of the example, I will be excused, I hope, in offering my sentiments on the restrictive system. It is known that I have not been a friend to that system to the extent to which it has been carried. My objection, however, is neither against the inequality, or the greatness of its pressure. It is the duty of every section to bear whatever the general interest may demand; and I, sir, am proud in representing a people pre-eminent in the exercise of this virtue. Carolina makes no complaint about the difficulties of the times. If she feels embarrassments, she turns her indignation not against her own Government, but against the common enemy. She make no comparative estimate of her sufferings with the other States. She would be even proud to be pre-eminent in suffering, if by that the general good could be promoted, and this day she presents the magnanimity of gaining union and energy by the pressure; and so far from growing tired of the restrictive system, or war, as intimated by the gentleman from Kentucky, that she would willingly bear a superadded embargo, if the public interest should demand it. But, sir, my objections are of a general and national character. Your character, your Government, and country, forbid a resort to this system for a redress of wrongs. It requires a sternness of execution approaching despotism. It first creates a vast premium for its violation; and then has to combat with the speculation, the cupidity, and capital, of the whole mercantile class. To render its execution perfect, you must not only repress the fraud, but the speculations of the merchants; particularly that which is founded on the course of political events. The subject before us is in point; and you will from the same cause be involved in this very dilemma annually, even more frequently, should the Treasury participate in the profit. To render your system perfect, you must imitate its successful execution in another country. Bonaparte is the only man who has a perfect knowledge of its genius. Burning and confiscation are the only effectual securities. A partial execution involves the most pernicious consequences. The conclusion is irresistible. The system does not suit you. You are too enterprising—too free—and your coast too extended, with too many indentations of rivers, bays, and harbors. The effects of a few years' operation will change your mercantile character. In such a state of things the honest merchant must retire. He cannot live. His place will not be unoccupied. The desperate adventurer and the smuggler will succeed. Unaided by the virtue of the citizens, no law, however severe its sanction, will be able to stem the torrent. There is indeed one species of restrictions, which, in a British war, ought never to be neglected. Whatever pressure can be produced on her manufacturing and commercial interest through heavy duties ought to be effected. The reason is obvious—it is both restriction and revenue. So much of the capital of this country is turned towards foreign commerce, that you cannot safely neglect this source of revenue. Nor is its restrictive character inconsiderable. The assertion may seem strange; but I believe it to be the highest practical and continued pressure that can be produced. To say nothing of the perpetual violation of an en-

tire prohibition by smuggling, it is subject to occasional relaxations, by which the country becomes inundated with British goods. At the end of the last session, I recommended high duties as a substitute for the non-importation act. Under that system, the quantity of goods imported would not have been greater than it now is; but your Treasury would have been much better replenished. Nor should we have had the present contest about extra profits. It would have passed into the Treasury under the shape of duties. High duties have no pernicious effects; and are consistent with the genius of the people and the institutions of the country. It is thus we would combine in the greatest degree the active resources of the country with pressure on the manufactures of the enemy. Your Army and Navy would feel the animating effect. The war would not sicken the patriot's hope, and defeat some of its most valuable anticipated consequences. You would have the means of filling the ranks of the regulars; and would no longer rely on the hazardous aid of volunteers and militia. Victory, peace, and national honor, I was going to say glory, but experience has taught me how that word is received in this House, would be the welcomed result of a vigorous war. But, sir, if we must have one or the other, either all war or all restriction, I would prefer the former. Suppose either would bring the enemy to our terms; even in their victory they are unequal. By restriction you have nothing but the success; but the assertion of our national rights by arms creates those qualities which amply compensate for the privation and expense incidental to that state. Admit that the Tripolitans could have been coerced to terms by non-importation acts, and that we had resorted to restriction rather than arms; could we have this day boasted of our naval victories? The Mediterranean war was the school of our naval virtue. It has elevated the hopes of our country. We may now look forward to the day with confidence, when we shall be no longer insulted and injured on the high road of nations with impunity. Besides, the non-importation, as a redress of wrongs, is radically defective. You may meet commercial restrictions with commercial restrictions; but you cannot safely confront premeditated insult and injury with commercial restrictions alone. I utter not this from the fervor of my feelings, but it is the deliberate result of my best judgment. It sinks the nation in its own estimation; it counts for nothing what is ultimately connected with our best hopes—the union of these States. Our Union cannot safely stand on the cold calculation of interest alone. It is too weak to withstand political convulsions. We cannot without hazard neglect that which makes man live to be a member of an extensive community—the love of greatness—the consciousness of strength. So long as an American is a proud name, we are safe; but that day we are ashamed of it, the Union is more than half destroyed.

The Committee rose, reported progress and obtained leave to sit again. And the House adjourned.

WEDNESDAY, December 9.

BONDS OF THE MERCHANTS.

The House again resolved itself into a Committee of the Whole, on the report of the Committee of Ways and Means, on the subject of merchants' bonds.

Mr. BIBB said he was sensible of the unfavorable circumstances, both in relation to himself personally and to the Committee, under which he should endeavor to present his views of the subject before them. His strength, enfeebled as it was, would not enable him to discuss the question in the manner, and to the extent he desired; nor, considering the time already occupied in debate, could he be unmindful of the regard which was due to the patience of that body. But, being a member of the Committee of Ways and Means, and concurring in their report, it became his duty to aid in its defence to the extent of his ability. Yes, I did concur in this report; a report which has been denounced as unprecedented and alarming; as vesting legislative powers in the Secretary of the Treasury over forty millions of property; as degrading to the parties whose interests are concerned; and, as calculated to alienate the affections of one third of the people of this country. Sir, I admire the eloquence with which the report has been assailed; but neither the argument, nor the temper in which they have been urged, are calculated to convince or to conciliate. While gentlemen demand the rejection of the report, upon the ground of conciliation more than for any other reason, they present a spectacle too often witnessed—precept and example at war with each other. The interest of your citizens residing on the seacoast are arrayed against those of the people of the interior, and the Representatives of the nation are charged with having sacrificed the one for the benefit of the other. We are told of the imposition of double duties during the last session of Congress, without, at the same time, resorting to internal taxes; and it is said, that as the people on the seaboard pay more than their proportion, the operation of this species of taxation is unequal and unjust. Admitting that, in proportion to population, more of foreign articles are consumed in your seaport towns and their vicinities, and of course a greater proportionate amount of the duties paid than in the interior, yet when we inquire for whose immediate benefit the revenue thus collected is expended, the subject assumes a different aspect. For whose immediate benefit, let me ask, are the millions annually expended on fortifications, ships, &c.? Is it for the defence of the people of the interior? No, sir; and yet they never have complained. I am unwilling to pursue these unpleasant distinctions, but I assert, as a fact which cannot be controverted, that if the relative proportions of duties paid by the different districts of the country be fairly estimated and compared with the objects of the public expenditures, your citizens on the seaboard would be debtors to a very large amount. But, says the gentleman from Massachusetts,

(Mr. Richardson,) the National Legislature has been pouring out vials of wrath upon the merchants, while the planter and the farmer have been prosperous and happy. The interest of the merchant alone, he contends, has been disregarded and abandoned. Does the gentleman recollect, that we are at war, and for what we are at war? Are the interests of the merchants not concerned in the contest we are prosecuting? For what object, and for whose immediate benefit, I ask, do the blood and treasure of the nation at this moment flow? For the maintenance of our national rights on the ocean; for the immediate benefit of the merchant. With such evidence before them, the charge of hostility to commerce will not be believed by the American people.

I will now proceed, Mr. Chairman, to examine the question which is directly before the Committee. I shall endeavor to show that the report upon your table involves no new principle; vests no new powers in the Secretary of the Treasury; affords no reasonable ground of complaint to the parties whose interests are concerned; and that it proposes the proper and only practicable mode of attaining the purposes of justice.

To make out this case, I must be permitted to recapitulate the circumstances connected with it. For years past, the indisputable rights of the nation have been habitually violated by the belligerents of Europe. As a means of security and retaliation, the restrictive system was adopted, and has been pursued under different modifications. The non-importation act is now in operation. The penalty annexed to the violation of its provisions, is a forfeiture of the vessel and cargo, and treble their value. The President was authorized to discontinue the act whenever Great Britain should revoke or so modify her edicts as that they should cease to violate the neutral commerce of the United States. Such was the extent of distress produced by this exclusion of British merchandise from the American market, that on the 23d of June last, the Orders in Council were so modified as that they would have ceased to violate the neutral commerce of this country. But war having been previously declared against Great Britain, and, consequently, being no longer a neutral nation, the authority formerly vested in the Executive to put an end to the restrictive system had ceased to exist. Immediately after the modification of the Orders in Council, however, merchandise to a very large amount was shipped from Great Britain, and has arrived within the ports of the United States. Such merchandise was seized and libelled by the collectors in conformity to law, but has been restored to the claimants by the courts, on their giving bonds for its appraised value. In this situation, the importers ask of Congress a total remission of the penalties and forfeitures they have incurred. Those whose goods left England before the declaration of war was known there, urge, as an equitable consideration in their favor, the absence of intention to violate the law. Those who shipped afterwards rely solely on the mercy of Congress. I readily admit, sir, that there are extenuating circumstances, which may be plead in behalf of the first class; but the plea of no intention to violate the law cannot be sustained, except upon the ground of ignorance of the law, which is at all times inadmissible, and which especially cannot be presumed in the present case. The statute provided, that whenever Great Britain should so revoke or modify her edicts, as that they should cease to violate the neutral commerce of the United States, the President should declare the fact by proclamation, and the non-importation act should cease and be discontinued, (not from the time of the modification or revocation of the British edicts,) but "from the date of such proclamation." The law also provides that the putting merchandise on board any vessel in a British port, with intent to import the same, shall subject the party to all its penalties. It is obvious, therefore, that as the merchandise lately imported was shipped from a British port before intelligence could reach this country of the modification of the Orders in Council, and consequently before the President could issue his proclamation, no rational expectation could be entertained that the importations would be lawful.

Such an expectation would have had for its foundation an impossibility. Yet, there was reasonable ground to expect that the modification of the Orders in Council would produce a corresponding departure from our restrictive system, and that, having attained its object, the Government would readily remit all forfeitures and penalties that might be incurred. On this part of the subject, however, I shall speak hereafter. The law which has been thus violated by the petitioners, gives discretionary power to the Secretary of the Treasury to remit or mitigate all penalties and forfeitures which should be incurred under it, if unaccompanied with fraud or wilful negligence. The same power was vested in the Treasury Department, under the Administration of General Washington, in relation to all violations of the revenue laws, and it has been continued ever since. In consequence, however, of the magnitude of the present case, the Secretary of the Treasury thought proper to suspend the exercise of his authority, until an opportunity should be afforded to Congress of giving the subject whatever direction they pleased. Your Committee of Ways and Means, after the most mature deliberation, have submitted, as their report, that, "on a view of the whole subject, the Secretary of the Treasury has full power to remit or mitigate the penalties and forfeitures incurred, should an interposition in either way be called for by the circumstances of the case; and that it is inexpedient to legislate upon the subject." This course of proceeding, so far from being unprecedented or novel, is sanctioned by the uniform practice under every Administration. Soon after the commencement of this Government, it was found indispensable to vest, somewhere, the power to remit or mitigate forfeitures and penalties incurred under the revenue laws, according to the extenuating circumstances of the case; and that power has been vested in the Secretary of

the Treasury, From the nature of his duties, he necessarily becomes acquainted with the arts employed to elude the laws, whose execution he superintends; he is, therefore, the better qualified to detect the motives which may have led to a violation of those laws, and, consequently, to determine correctly in what cases relief ought to be extended. Another advantage is attained which is highly important in all cases affecting private rights—uniformity of decision. Under this system, your laws have hitherto been executed without objection or complaint. And are terms to be so perverted now, that the power to remit or mitigate a penalty legally incurred, is to be construed into an odious species of legislative power over the property of your citizens? Sir, it possesses no more the character of a legislative power than does the pardoning power vested in the Executives of the respective States, nor in any point of view is it more objectionable. In both instances, the power is vested in an individual, and surely the principle cannot be varied by the title of the officer. Gentlemen appear to have forgotten the acknowledged fact, that the petitioners are violators of law, and have incurred its penalties; and they blend the discretionary authority of the Secretary of the Treasury to remit or mitigate those penalties, with the power to inflict punishment, which, in its nature and object, is totally distinct. It is, however, contended, that, notwithstanding the power of remission and mitigation has been vested in the Treasury Department under all administrations, yet the law giving this general authority never contemplated cases like the present. Permit me to remark, that the fallacy of this suggestion is proved by the fact, that a provision of the very statute which the petitioners have violated, does, in express terms, delegate to the Secretary of the Treasury the same remitting power over fines, forfeitures, and penalties, incurred under it, with which he is clothed by a permanent law in relation to violations of the revenue laws generally. It is true, as has been said, that the President has referred this case to Congress; but what does he say? "A considerable number of American vessels, which were in England when the revocation of the Orders in Council took place, were laden with British manufactures under an erroneous impression that the non-importation act would immediately cease to operate, and have arrived in the United States. It did not appear proper to exercise on unforeseen cases of such magnitude the ordinary powers vested in the Treasury Department to mitigate forfeitures, without previously affording to Congress an opportunity of making on the subject such provision as they may think proper." Here the power of the Secretary of the Treasury over the case is admitted, and it is distinguished from other cases, not by a difference of principle, but by its unforeseen magnitude alone.

No opinion is expressed, or fairly deducible, that we ought to legislate upon the subject. The President has only said that, for the reason assigned, he deemed it respectful to the Representatives of the nation to suspend the exercise of the authority vested in the Treasury Department. No obligation is imposed on this body, other than to determine whether or not it be expedient to adopt any new provisions for the case; and, in deciding that question, we are left to the dictates of our own judgments. The unforeseen magnitude of the case may have justified the course pursued by the President, and yet furnish no substantial argument against the report of the committee. Because the Executive has thought proper to manifest his respect for the will of the Legislature, it does not follow, therefore, that the Secretary of the Treasury should be divested of the power he has so long possessed, and which has been exercised to the satisfaction of all parties. We are not called upon to decide whether the President ought to have referred the subject to Congress, nor should the fact of his having done so influence our decision. He determined what was his duty, and we are the judges of ours. Without, therefore, questioning the propriety of his conduct, the committee have submitted the opinion, that the present case should take the course which has been uniformly given to all others of a like nature. We consider the rights of an individual as sacred as the rights of thousands; the property of the one entitled to as much security as the property of the many. We say the magnitude of the case does not vary the principle—uniformity of decision is essential to the purposes of justice. If, therefore, it be no invasion of the principles of civil liberty, that the power vested in the Treasury Department is exercised in relation to violations of law committed by one, the number cannot make it otherwise. And, allow me to add that, if any further evidence of the correctness of the report could have been desired, it has been fully supplied by the discussion in which we are engaged. Gentlemen urge the necessity of taking this case from the established tribunal; and yet, if they shall succeed, scarcely any two agree how it should be decided. It is obvious, therefore, that a majority cannot be had in favor of any decision which conforms to their ideas of justice individually, or which is not, according to their respective views of the subject, necessarily compounded of right and wrong. I am, indeed, astonished that this debate alone has not produced the conviction that a legislative body is not calculated for the investigation and determination of cases like the present. If, however, we are to investigate in this way on the established usages of the Government, it is apparent that our session must be perpetual; and that the enforcement of the laws of the country, so far from being directed by any uniform rule, will depend on the party feelings and party circumstances of the day. From the extraordinary diversity of sentiment exhibited on the present occasion, we may infer what would have been the situation of Congress, had they undertaken to decide the numerous cases of a similar nature heretofore determined by the Treasury Department. And yet those cases have been decided, unquestionably, by some uniform rule, and, cer-

tainly, without murmur or complaint. But, sir, it is contended by the gentleman from South Carolina (Mr. CALHOUN,) that the reference proposed by the report is to vest the Secretary of the Treasury with unconstitutional legislative power to levy a tax. If I understood the course of his argument, it was this—that, on application by a party who has incurred fines, penalties, or forfeitures, to the Secretary of the Treasury, he is authorized to inquire only into the fact whether there be wilful negligence or fraud, and to decide accordingly; that he is to look at the character of the violation of the law, and not at its consequences upon the community. The gentleman infers from the points particularly investigated by the Committee of Ways and Means, and the letter of Mr. Gallatin to that committee, that the question of fraud or wilful negligence constitutes no part of the inquiry; that the question appears to be, what extra profits have accrued to the petitioners in consequence of the existence of the law they have violated; that it is in the nature of the assessment of a tax, and, therefore, belongs exclusively to the Legislature. I must be permitted, Mr. Chairman, to deny the premises and the conclusions of the gentleman from South Carolina, and I shall be sustained by the statute delegating the power of remission to the Treasury Department. After directing the mode in which cases may be brought before that tribunal, it provides: "who (referring to the Secretary of the Treasury) shall thereupon have 'power to mitigate or remit such fine, forfeiture, or 'penalty, or remove such disability, or any part 'thereof, if, in his opinion, the same shall have 'been incurred without wilful negligence or any 'intention of fraud in the person or persons incurring the same." Now, sir, what is the plain, obvious construction of this provision? The Secretary of the Treasury is vested with a conditional pardoning power. He is authorized to exercise in the first place the judicial function of determining from the facts and circumstances whether there has been wilful negligence or any intention of fraud; and upon the decision of that question depends his subsequent authority. If he believes there has been wilful negligence or fraud, he has no power under the law to remit or mitigate; and it is in the absence of these only he is permitted to extend relief. The expression of wilful negligence or fraud, which is so construed as to constitute the delegation of power, is in fact a limitation upon the power which would have been given, had that expression been omitted. To prove this position, I will recur to the law. "Who (referring to the Secretary of the Treasury) shall thereupon have power to mitigate or 'remit such fine, forfeiture, or penalty, or remove 'such disability or any part thereof." Here, there is unquestionably the delegation of an unqualified, unlimited power of mitigation or remission; and the following concluding part of the sentence imposes a restriction upon it: "If in his 'opinion the same shall have been incurred without willful negligence or any intention of fraud 'in the person or persons incurring the same." I say, therefore, that the construction which has been given to the law is perfectly inconsistent with its provisions; that, so far from the fact of wilful negligence or fraud, or the character of the offence, constituting the only question for the consideration of the Secretary of the Treasury in the exercise of his pardoning power—that power does not commence until after the ascertainment of that fact. It being ascertained that the party who has incurred a penalty is not guilty of wilful negligence or fraud, then the condition of the discretionary authority vested in the Secretary of the Treasury is fulfilled, and he "shall thereupon have power to mitigate or remit," &c. Then it is he has the "power" of pardon, but is still the judge whether it shall be exercised at all, and to what extent. If it were intended that in the absence of wilful negligence and fraud he should have no discretion, the words of the law would have been imperative. Instead of giving "the power," they would have directed under such circumstances a remission of all fines, forfeitures, and penalties incurred. So very different, however, is the provision of the law, that the Secretary of the Treasury is not only the judge whether he will interpose his merciful authority at all; but whether it shall be exercised in the form of total remission or of mitigation. This latter discretion is inconsistent with the idea, that in the absence of wilful negligence or fraud he is bound to remit. In determining, therefore, on the extent of relief which shall be afforded, it is not only his right but his bounden duty, to examine the circumstances of the case in all these relations.

Sir, neither the inquiries of a committee nor the letter of Mr. Gallatin can affect the provisions of your statute. The Secretary has, or he has not, a discretionary power under the statute; and that must be decided by the provisions of the statute alone. If I have shown that the pardoning power is vested in the Treasury Department in cases only where the parties have not been guilty of wilful negligence or fraud, and that it is a discretionary power, it follows conclusively that the character of the offence is not the only subject for consideration; but that the benefit the offender has derived from his offence, and its consequences upon the community, are to be regarded. The object of punishment is the prevention of crimes; and it is essential to that object that the pardoning power should not be so exercised as to make the violation of a law profitable to the offender. To avoid this, it necessarily becomes the duty of the Secretary of the Treasury, in the exercise of his mitigating power, to have reference to the profits which the party has gained from his disobedience. The distinction which has been drawn between this case and others of a like nature, by the gentleman from South Carolina, in consequence of the course of the proceedings of the Committee of Ways and Means, and of the letter from Mr. Gallatin, is fairly resolvable into this: that the Secretary of the Treasury may, or may not, remit or mitigate as he shall think proper, provided his decision be influenced

by a particular train of reasoning; that the legality or rather constitutionality of the act of remitting or refusing to remit depends on the precise course of reasoning which the Secretary's mind happens to employ; that, because the present petitioners have made enormous profits, amounting to a heavy tax on the people, in consequence of the existence of the law which they have violated, therefore the Secretary is bound to remit the penalties they have incurred.

Sir, the distinction of the gentleman is in my apprehension utterly without foundation. The question is, have these violations of law been the result of wilful negligence or fraud; if they have not (and it is on this plea that the cause of the petitioners is defended) then their case is fairly before the Treasury Depattment; is precisely such a case as is contemplated by the statute to which I have referred, and is distinguished in no way (except by the number of individuals concerned) from hundreds of cases which have been decided by that tribunal. On this part of the subject, Mr. Chairman, I must be permitted to go further. I contend, not only that the Secretary of the Treasury has full powers over this case; but that Congress have not, and therefore ought not to legislate upon it. The revenue laws and the act of non-importation vest one-half of the fines, forfeitures, and penalties, incurred under them, in the persons who shall give information of their infraction, and in certain officers. That half, I shall endeavor to show, is beyond the legitimate control of the National Legislature. In England the King has the general power of pardoning, and yet he cannot remit that part of any fine, forfeiture, or penalty, which is to accrue to informers. It is a principle of the common law, that the party giving information acquires a private property in the reward offered by penal statutes, and it is this principle alone which limits the pardoning power of the King in relation to the rights of informers. The doctrine is, that "he cannot pardon an offence against a popular or penal statute after information brought, for thereby the informer has acquired a private property in his part or penalty." Shall it be said that private rights are less protected in this country than in England? The correctness of the doctrine in its fullest extent has been admitted by the Speaker and the gentleman from South Carolina, (Mr. CHEVES,) but they have urged distinguishing circumstances which, in their apprehension, render it inapplicable to the present case. The gentleman from South Carolina contends that it is distinguished from the cases in which the Crown cannot remit the informer's part, by the circumstances, that the penalties in this case are to be recovered for the United States in the names of their officers, and that it is only in the event of absolute recovery they acquire any property. If the gentleman will refer to the statute he will find prosecutions are not confined to the officers of Government, but that they may be instituted at the instance of informers. And if they were so confined, I know of no principle of law or reason which, under such circumstances, would make a distinction between the rights of an officer and an informer. The form of prosecution prescribed by the statute cannot affect the question. The fact that the right of property in the proportion of fines, penalties, or forfeitures, accruing to informers or collectors, is not perfected until after absolute recovery, so far from being a distinguishing circumstance, is necessarily the case under all penal statutes, whether in England or in this country. But it does not follow that because the right of property is not perfect until the prosecution is concluded, no right accrues from its commencement. Nor will it be contended that a citizen can be arbitrarily divested of a qualified right with more propriety than of a perfect right. But, says the gentleman, if the power of Congress is not complete, why delegate to the Secretary of the Treasury the disposition of that half of the penalties accruing to the United States. Sir, we do not propose to delegate any authority to the Secretary of the Treasury; we barely say it is inexpedient to take from him that which he already possesses.

In our turn, we ask, why take the case from the established tribunal which alone has competent and ample jurisdiction, when your authority is thus limited? It is said by the honorable Speaker that, in England, the Crown cannot remit the informer's part of a penalty, because the power of remission is not reserved in the law denouncing the penalty, but that, in our laws, the power is reserved. This is an admission that the persons claiming one-half of a penalty or forfeiture do acquire a private property from the commencement of prosecution, and that there is no power to divest them of it, except what is reserved by our laws. The question, therefore, which we have to examine is brought within very narrow limits—What power is reserved by our laws? It is found in the provision which I have already had occasion to notice in the course of my remarks. It is the provision which delegates to the Secretary of the Treasury the power to remit, in whole, or in part, all fines, forfeitures, and penalties, "if, in his opinion, the same shall have been incurred without wilful negligence or any intention of fraud in the person or persons incurring the same." The statute, of which this provision is a part, previously directs the mode by which cases shall be brought before the Treasury Department, and guaranties to the parties in whom one-half of such penalties is vested, the right of being heard. An opportunity is afforded them of showing "that there has been wilful negligence or fraud;" and if they establish that fact, their right to the proportion allowed them by law is consummated. There being no power of remission reserved in cases where, in the opinion of the Secretary of the Treasury, there has been fraud or wilful negligence, it results, according to the admission of gentlemen, that, in such cases, to remit would be to invade the sanctity of private rights. The position I take is this: that so soon as an informer gives information of the violation of a penal statute, he acquires an inchoate right to his proportion of the fine, forfeiture, or

penalty incurred, subject only to the qualified controlling authority vested in the Treasury Department; he commences his claim under the then existing laws of the land and protected by their provisions; and no new conditions impairing that claim can be imposed on the prosecution of his right, without being *ex post facto* in their nature and operation. His right to the legal proportion of the penalties incurred by the petitioners is perfect against all persons or authorities whatsoever, except the conditional power of the Secretary of the Treasury. But, says the honorable Speaker, the Secretary of the Treasury is a mere Executive officer, and whatever Congress can do by him they may do themselves. It is true that Congress may abolish the Treasury Department, or may direct the duties to be performed by whomsoever and in any manner they may please, provided they legislate prospectively; but I deny the correctness of the position, as intended to be understood. Whether he be an Executive officer is not material, inasmuch as the character of the officer neither increases nor diminishes the controlling power of Congress. In relation, however, to the subject now before us, he presents himself in the twofold character of Judicial and Executive. He is authorized to judge whether there has been wilful negligence or fraud, and, in their absence, to exercise the power of pardon. He derives his appointment from the same source whence the judges receive theirs, and the control of Congress over each is the same. What would be said of a proposition submitted to this House for taking from the courts of law any depending cause embracing the case of individuals, for the purpose of deciding it ourselves? And I humbly conceive there is no substantial distinction between such a case and the present, whether you regard the power of Congress or the private rights of the citizen. If, under the idea of the power to do ourselves what we can do by others, retrospective laws can be enacted, disregarding rights already accrued; then, indeed, is private property subject to the whim and caprice of every succeeding Congress. Can it be said that it is a mere change of remedy and not of right, to take this case from the Treasury Department, when, in your investigation, or rather decision without investigation, the parties who have acquired a property in the matter to be decided, have not been heard? No, sir, it is to deprive them of all remedy, and consequently to destroy their right. So far as we are furnished with precedents in the legislation of this country, they confirm the view of this subject I have endeavored to present. On an examination of our statute book, it will be found that, in every act which has been passed, where the only object of legislation was the remission of fines and penalties, the rights of informers are expressly recognised. It is true, as was stated by the Speaker, that certain acts have passed repealing penal statutes generally, and which contained a clause remitting all penalties incurred under them, without expressly reserving whatever rights might have accrued to informers. Those statutes, however, had been of short duration, and it is not known that any violations had taken place, without which no rights could have accrued. But, while it must be admitted that the examples, to which I have referred, are indicative of the regard paid to private rights by our predecessors, the honorable Speaker cannot seriously urge his cases as precedents upon the subject. He is too well acquainted with the circumstances which are essential to give authority to precedents, and too well convinced that they do not exist in the examples to which he has referred, to make it necessary for me to draw the proper distinctions.

But, Mr. Chairman, gentlemen have inferred, from circumstances, what will be the decision of this case, if left to the ordinary tribunal; and, if I am not mistaken, their real objection applies to the nature of that decision, rather than to the reference proposed by the Committee. If it were understood that the Secretary of the Treasury would remit unconditionally the penalties and forfeitures that have been incurred, I apprehend the report would have been considered perfectly proper by some of those, at least, who are now most opposed to it. Is this a sufficient reason for wresting the case from the established tribunal, and especially when scarcely any two agree precisely how it should be decided? As well might any party, having a cause depending before a court, claim the right to be tried by some other tribunal, because, he apprehends, the honest opinion of the judge is not so favorable to his views as he could desire. If gentlemen have anticipated correctly what will be the decision of the Treasury Department, I confess it is more favorable to the petitioners than would be my decision, if I should be called upon to decide. But that being the tribunal to which the case properly belongs, and it being competent, in every way, to do justice to the parties concerned, I will not consent to change it.

The alarm which has been excited by the following paragraph, contained in the letter of Mr. Gallatin to the Committee of Ways and Means, I consider totally groundless. In speaking of the forfeitures and penalties incurred by the petitioners, he remarks that:

"With respect to the one-half belonging to the United States, justice to the community requires that, when remitted, at least an equivalent may be secured to the public for the extra profit beyond that on common importations which arises from the continuance of the non-importation act."

The word "equivalent" has been construed to imply a loan of money to the Government, and is odious and abominable. Whether the interpretation be correct, it is not for me to determine; but, supposing it to be so, it does not follow that there exists any foundation for the degrading imputations which have been so lavishly bestowed. The annexation of fines, forfeitures, and penalties to the violation of law, is authorized by the fundamental principles of society, and sanctioned by the practice of all Governments; it is intended to prevent the commission of offences. The reservation of a power to remit or mitigate, accord

ing to extenuating circumstances, has also been found expedient. In the present case, the parties have incurred the penalties of a law not of an ordinary character; of a law which appeals to the patriotism of the country, which was enacted with the sole object of affecting the interest of the enemy, and thereby enforcing due respect for the rights of the nation. The petitioners plead extenuating circumstances; but, the fact is incontrovertible that, by their violation of your law, the distress it was inflicting on the enemy has been alleviated, and they enriched to an unexampled extent. The question is, shall they be relieved from the penalties and forfeitures they have incurred, either in whole or in part? It is admitted by all, that there is nothing dishonorable or unjust in the idea of mitigation; or, in other words, of remitting only a part of the legal punishment; and, indeed, the statute giving the pardoning power to the Secretary of the Treasury, provides for cases in which justice may require that a part of a penalty should be remitted, but not the whole; he has the discretion of remitting, or mitigating, or removing disabilities, in whole or in part. To mitigate a penalty legally incurred; to require the payment of a sum less than what is legally due, is a relaxation of strict right, which may be, and often is, called for by extenuating circumstances, which would render the enforcement of the whole penalty oppressive. Having determined what part in justice and equity you ought to exact, the changing of the sum which it has been determined right to demand, for the loan of a larger sum, (leaving it optional to the party to pay the one or lend the other,) is only the continuation of the same principle. It is money in one shape for money in another shape. It is not the commutation of a forfeited life for money; it is not the substitution of a punishment of a different nature; it is only one of the modifications of which the same punishment is susceptible. The whole of the argument on either side rests on the justice or injustice of exacting any portion of the penalties and forfeitures incurred. Admit that we have a right in equity to the whole or a part, and the commutation of the sum thus equitably due for the loan of a larger sum, (at the option of the party,) is nothing more nor less than an extension of the mitigating principle; it is a further relaxation and not an act of oppression. Where, then, I ask, is the foundation for the abominable character which has been attributed to the supposed idea of the Secretary of the Treasury? Is there any analogy between such a course of proceeding and the oppressions of the avaricious Henry VII. and his vile instruments, Empson and Dudley? Were the compositions, during his reign, not the result of illegal and oppressive prosecutions? Is the possession of money the only offence of which the present petitioners are guilty? Have they violated no law constitutionally passed, and incurred no penalties? Have they been prosecuted without the sanction of statute, and for the sole purpose of exacting compositions? The intelligent mind of the gentleman from South Carolina (Mr. CHEVES) cannot fail to perceive the distinction; and I rely on his candor for a correction of the unnatural association he has presented to the House.

Sir, it has appeared to me, that, in the exercise of conscientious scruples, gentlemen have forgotten the rights of all except the violators of your law. The spirit of the Constitution has been invoked in their behalf, and yet, in granting them a total remission of the penalties and forfeitures they have incurred, no Constitutional difficulties are felt in relation to the rights of the community. The very gentlemen who denied the authority of Congress, on a former occasion, to grant a bank charter, on the ground of its being a monopoly, and of monopolies not being sanctioned by the Constitution, will, by the unqualified remission they propose, constitute the petitioners monopolists to all intents and purposes. A law is in operation forbidding the importation of British merchandise; a few merchants import such prohibited merchandise, and, in consequence of the exclusion of competition by the law, demand what prices they please, and obtain what they demand. Now, if Congress shall sanction their act, by giving them the enjoyment of their gains, they will have granted a monopoly in every sense of the term. Suppose a proposition had been made at the last session of Congress, to give the petitioners the exclusive right, for a limited time, to import British goods, is there a man who would not have said it is unconstitutional? If it would have been unconstitutional, then, to grant a monopoly, it must be equally so to sanction it now. There can be no rational distinction between granting it beforehand, and sanctioning it after the fact. The Constitution expressly forbids any regulation of commerce, which shall give a preference to the ports of one State over those of another, and the spirit of that instrument equally forbids any preference to one class of merchants over another. Should the late importations be legalized, you do sanction a preference to the ports of one State over those of another, in the precise proportion that the importations to such ports have been greater relatively to other ports than they would have been, had your prohibitory statute not been in force. Unquestionably you will have secured to a few individuals the benefits of a trade from which the rest of the nation is excluded, and by which exclusion those benefits are greatly enhanced.

Sir, there is another view of this question, to which I beg leave to call the attention of the Committee. The total remission, which has been so eloquently urged, involves a new principle, unheard of in the history of any country; a principle hostile to the primary objects of Government, and subversive of the best interests of society. It is not to pardon the offenders only, but to give them a premium for their disobedience; to place them in a better situation than they would have been, had they, like other citizens, obeyed the law. Although a difference of opinion exists as to the extent, yet it is admitted by the petitioners themselves that their profits have

been enhanced in consequence of the existence of the law they have violated. To allow them these profits is an alarming innovation on the ordinary principles of pardon; it is to make it the interest of every man to disobey the laws of his country. You cannot pursue this course without abandoning the rights of the community, and endangering the majesty of the laws. Either repeal the non-importation act, or do not permit a few individuals to disobey its express provisions with impunity, and then convert that disobedience and the continuance of the prohibitory statute into a monopoly in their favor.

It is not my intention, Mr. Chairman, to examine the evidence which has been presented by the Committee of Ways and Means. That task has been performed, and ably performed, by the two members of the committee (Messrs. Johnson and Roberts) who have preceded me. I consider the introduction of any testimony wholly unnecessary; but, if it be necessary, that which has been collected is totally insufficient, and ought to have no weight in support of the pretensions of the petitioners. To determine the proposition of the committee for referring the case to the decision of the ordinary tribunal, I cannot perceive the possible necessity of evidence of any sort, but if it be material I protest against that which is now before you. I assert, without the fear of contradiction, that such testimony never was admitted in a case of private right before any tribunal whatsoever. In what does it consist? The statements of the petitioners and of parties interested, many of whom were not even sworn. I personally attach as much credit to those statements as I would to the statements of respectable men generally under similar circumstances. But no one of any experience can be ignorant of the imperfections of human nature, and of the powerful influence of interest over the minds of the best of men. The analogy which has been drawn by the gentleman from South Carolina (Mr. Cheves) from the testimony lately taken before a committee of the House of Commons in England, on the subject of the Orders in Council, cannot be sustained. What was the nature of that case, and of the evidence taken? The Orders in Council had been adopted as a measure of great national concernment and it became a question whether, as a measure of policy, its effects were beneficial or injurious to the nation. A committee was appointed to investigate the subject, and in the performance of their duty they took the testimony under oath of persons residing in different parts of the Kingdom, and particularly of that class whose interests had been said to be most affected, and who consequently could afford the most accurate information. What is the case of the petitioners? They are not called upon to give information of the operation of any national measure on the respective portions of country in which they reside. Far different is the case in which their testimony has been taken; it is a case on the decision of which their immediate interest depends; it is a question of private right—of private property. The distinction is so clear, so irresistible, that I am persuaded further illustration would be superfluous. I might here, Mr. Chairman, close my defence of the report of the committee; but as other gentlemen have discussed the question whether the petitioners are entitled to relief, and the extent of such relief, I may be permitted to express my opinion also. I have before admitted that the shipment of merchandise from England, after the repeal of the Orders in Council, and before a knowledge of the war, was, under all the circumstances, an act of rational speculation; that, although the parties cannot plead the absence of intention to violate the law, and are not guiltless, yet that they may plead probable ground for the impression that the policy of the law was attained, and that they would be released from its penalties. It should be remarked, however, that this act of speculation was not without known risk, because the proceedings of the last session of Congress, from its commencement, were of such a character as at least to render war not an improbable event. And the refusal at that time to permit the introduction of American funds said to be in England, was a clear manifestation that in such an event the non-importation act would be continued. The intervention of war, and the continuance of that act, have disappointed the expectations of the petitioners, and at the same time enhanced the value of the articles they have imported; the distress of the enemy has been alleviated, and the war probably prolonged. Under these circumstances, should Congress undertake to decide, (which I hope they will not,) we are bound, in the language of the President, to "consult equally what is due to equitable considerations, and to the public interest." With that view, I would grant indemnity to the petitioners; I would relinquish to them the original cost of their merchandise, and the charges thereon, and I would rigidly exact the payment of the difference between that sum and the value of the articles in this country. The principle I adopt is this: that whatever extenuating circumstances may be urged in behalf of the late violation of law, they cannot render it a meritorious act, and therefore it ought not to be rewarded; that to remit the profits of such violation, would be to give a premium to the parties for their disobedience, by placing them in a better situation than if they had obeyed the law. Sir, neither a liberal spirit of conciliation, nor any injunction of equity, can demand for the petitioners more than indemnity; beyond that, justice to the community forbids you to go. With respect to those who shipped after a knowledge of the war, they are without a rational excuse, and merit the penalties of the law. The refusal of Congress at its last session to repeal or suspend the non-importation act, before and after the declaration of war, was sufficient warning of the policy that would be pursued during the war; and, therefore, they have knowingly violated the provisions and the policy of the law. They plead the fear of a confiscation of their property, had it remained in Eng-

land, and yet the merchants are daily prosecuting a trade by which their funds are accumulating in that country. No man believes that a nation, commercial as is England, will set the example of confiscation; nor has it ever been her course of policy to do so. Release this class of importers now, and you cannot consistently refuse the same measure to those who may import hereafter; having been restrained by respect for law until after your decision, they will, in equity, have a stronger claim on the merciful interposition of Congress. In this way you will be forced to abandon the restrictive system. The advocates for unqualified remission, aware of this consequence, and fearing its influence on the minds of a majority of this body, have assailed the system with unusual acrimony. It is represented as operating with more severity upon ourselves than upon the enemy, as more terrible to the American people than pestilence; more pernicious than the plagues of Egypt.

Sir, is it the policy of this Government to be forced into an abandonment of a measure of great national concernment by a few individuals, who, influenced by motives of private interest, have subserved the views of the enemy? This House has determined, over and over again, that they would not abandon the system, and now we are called upon to do so, in point of fact, under compulsion. I say the petitioners have subserved the views of England. Why, in shipping British manufactures to this country, after a knowledge of the war, were they furnished with licenses protecting them from British captures? Was this an act of British moderation; of British justice? No. It was dictated by her interest; it was to alleviate the miseries of their starving manufacturers. Of the effects of the non-importation act upon the enemy and on the country, I need to say but little. That topic has been ably and eloquently discussed by the honorable Speaker. He has presented facts and circumstances which, while they prove indisputably that this act has carried misery and wretchedness into the heart of the British nation, it is not the cause of the partial distress which is felt in the United States. He has shown that the effects here, which are attributed to the restrictive system, have resulted from the unjust measures of England, against which that system has been directed. But, in what does the distress of the people of this country consist? Do your cities present thousands of poor wretches begging employment; begging a little food to prevent their starving in the streets? No, sir. And is such not the unhappy condition of hundreds of thousands of the people of England? The fact is undeniable. But, says the gentleman from South Carolina, (Mr. CHEVES,) this unprecedented distress in England is not owing to the restrictive system; the United States never received more than one-fourth of the whole exports of British manufactures, and therefore the distress must have resulted from other causes. Sir, the gentleman should recollect that England is now deprived of her other customers: and that, although the loss of our market, during the existence of her former prosperity, might not have been so distressing, yet that, under existing circumstances, it may be ruinous. To a man who has an abundance of the necessaries and comforts of life about him, partial losses are unimportant; but, take from him who is reduced to bare subsistence, and his situation becomes deplorable. The market of the United States is at this moment to England what bread is to a starving man. On this point it was my intention to have presented to the Committee a view of the testimony lately taken before a committee of the House of Commons, and which is now in my possession, proving the injurious operation of our act of non-importation upon the enemy. But my strength is exhausted, and I will only recapitulate, very briefly, some of the facts which were established. It was proved, by the concurrent testimony of witnesses called from different parts of the kingdom, that the distresses of the people are unprecedented and alarming; that the manufacturing poor are, to a great extent, without employment and tolerable subsistence, and that the effects of hunger were visible in their countenances; that those who had given employment to thousands from motives of humanity alone, were anxiously awaiting the decision of Parliament; and if that should be in favor of continuing the Orders in Council, they would be compelled to abandon them to their fate—inevitable starvation; that this awful state of things was owing principally to the American non-importation act, and would be removed if the American market could be again opened to them. It was also proved that South America had been tried as a substitute for the American market, but that, in every instance, it was a losing business; that experiments had been made of Amelia Island and Canada, in the hope that their manufactures might, by smuggling, find their way into the United States, and that such adventures never returned their original cost.

Sir, the consequence of this testimony was the annulment of the Orders in Council, so as to meet the provisions of your statute directing the President, in such an event, to discontinue the non-importation act. It is true, the Prince Regent, in announceing this annulment, pretends to make it a consequence of an act of the French Government, declaring the Berlin and Milan decrees at an end so far as they related to the United States. But this is proved to be a mere pretext by the official declaration of the Prince Regent himself in April last, in which he pronounces, that before the Orders in Council should be repealed or modified, France must revoke her edicts in relation to all the world; that to revoke them in relation to the United States only would not be sufficient. In the same month (June last) in which the Orders in Council were modified, the British Minister here, in a letter to Mr. Monroe, explicitly declared, in obedience to the instructions of his Government, that such were the obligations by which the Regent was bound to his allies, that he must and would continue the Orders in Council in full force, until there was a general and

unqualified repeal of the French edicts. There has been no such repeal, and yet the Orders in Council are modified, and that, too, immediately after the testimony to which I have alluded was taken. With such evidence of the efficiency of your restrictive system, to repeal it directly, or to do that which will lead to its repeal, would be, in my opinion, an act of unexampled imbecility and folly. Prosecute the war vigorously, add non-exportation and non-importation, and I do verily believe you will have an honorable peace before the end of the ensuing year.

Mr. Lowndes said, that he should not at so late a period engage in debate, if he did not suppose that some views of the subject had been hitherto unnoticed, which although less interesting than those taken by the gentlemen who had preceded him, were perhaps not entirely unworthy of attention. But he concurred in so many of the arguments of his colleagues, that in rising after them he should not encroach much upon the time of the Committee. Before he entered, however, upon the consideration of the resolution immediately in question, he begged to be allowed, in imitation of those who had addressed the Chair before him, to say something on the general policy of the non-importation law.

The effect expected from this law must have been a loss of employment and of income to those manufacturers of England whom the American market previously maintained. No restrictions were imposed upon the supply of that country with the productions of this, and the framers of the law must have calculated upon our merchants continuing to sell in England a considerable proportion of the abundant exports of the United States. But of this state of trade the accumulation of American property in England was the necessary consequence. The inconvenience which we should feel from losing the employment of our capital must have been foreseen, but it was supposed to be, and it was, less to us than the injury to England from the loss of a considerable part of her manufacturing income. But it was obvious that the proposition between the injuries suffered by the two countries under this system must continually change. However long the system might continue, the loss to England could in any one year be only the loss of that income which a year's sales of her manufactures here would have produced. To America, the loss depending upon the detention of her capital must increase in proportion to its accumulation. This result must have been expected by the framers of the law. They must have seen, that if it continued to be rigidly enforced, the mere interest on our capital detained might at length equal or exceed the value of English manufactures of which it prevented the sale. They must have seen that if peace continued to permit their accustomed direction to our exports, this change in the relative effect of the law on the two countries must in time produce either its modification or suspension. And after this time, if it continued, its injurious effect on England must have been expected to result chiefly from that irregular action on her commerce and manufactures (of which his colleague had spoken during the last session) which an alternate execution and suspension of it was calculated to produce. The manufacturer, it might be expected, would continue to view with anxiety and interest a market which he would occasionally enjoy, and would condemn the impolicy of his own Government in denying him its regular and beneficial custom. But if the temporary suspension of the law might have been supposed, even if peace had continued, not entirely to impair its utility, much less would the remission of the penalties which the committee were considering impair it. The future accumulation of our capital in England would be prevented by the laws and circumstances of war. Those who should hereafter place their funds there could have no claim to our interposition in their favor.

The honorable Speaker, Mr. L. said, had yesterday introduced his observations by a general panegyric on what he called the restrictive system. But what was this system? He had supposed it in all its different shapes of non-importation, non-intercourse, and embargo, to be an expedient to coerce foreign nations without the employment of military force. An exclusion of the manufactures of an enemy might indeed be resorted to in war. He did not deny that it might be right that we should exclude those of England now. But such an exclusion is a part of a very different system from that which the honorable gentleman applauds. It does not prevent the employment of the force of the nation. It is not the substitute of war, but its auxiliary. His friend from Kentucky was indeed the zealous and eloquent advocate of a system which in common with a majority of the House he had abandoned. In respect to the subject immediately before the Committee, Mr. L. said, that the first question seemed to be, whether the act of importing merchandise prohibited by our laws was, under the circumstances of the petitioners, such as to justify its confiscation. To decide whether there ought to be a forfeiture it seemed necessary to inquire had there been a crime? But the Speaker had anticipated nearly all that he could have been disposed to say upon this subject. He had shown conclusively the injustice of punishing those whose property had left England before our declaration of war was known there. But the same principles applied to the property which had left England since, and the numerous class of petitioners interested in this property would have had at least the argument of the Speaker, if they could not have his vote.

What was the justification of those whose property was shipped before a knowledge of war? That it was in general the act of their agents—that their instructions were to ship only when it should be legal—that they had reason to expect the suspension of the non-importation law—that their shipments were made by the advice of our highest diplomatic agent in England. Every one of these considerations applies to the cases which the Speaker excludes from remission. It was

indeed said by Mr. Russell that after war the repeal of the non-importation law was no longer expected. But he still advised the shipment of American property. It was still his opinion "that such shipments might be made with safety;" "that if the law should not be annulled, the special circumstances under which the shipments 'were made would entitle them to an exemption 'from its penalties." Here was the opinion of a man with the best information to direct his judgment, with no interest that has been suggested to prevent it. In saying that the property shipped after war would be exempt from the penalties of the non-importation law, Mr. Russell said substantially that the law would be suspended as to that property. On the probability, and still more upon the occurrence of war, the merchants of every country are accustomed to receive with deference the instructions even of their Consuls. They confide in their opinions without expecting to learn their precise grounds, and it would not be the least of the evils which would grow out of the proposed policy that your citizens in foreign countries could no longer be expected to confide in the instructions of the foreign representatives of the nation.

But not only the cases of those whom the Speaker would consign to unmitigated forfeiture appeared to me (Mr. L. said) to be entitled to equal favor with those classes of cases which he had proved to be innocent; but if there were any room for discrimination, the shipments which had been made after knowledge of war, he thought more susceptible than any other of strict justification.

Was the property which an American citizen had acquired in England in violation of none of your laws to be sacrificed without any possible advantage to his country? When he could no longer himself remain in England consistently with his allegiance, was he to intrust his fortune to agents over whom he could have no superintendence or control?—against whom by law he could not maintain a suit? And if he were obliged to leave England with his property, what other ports in the civilized world but ours could have been expected to admit him? Wherever else he had gone, his cargo would have been confiscated as American property, or burned as English merchandise. Suppose him to have known that by the letter of your law his property would be liable to confiscation when brought into your country? By the letter of English law it was no less liable to confiscation while it remained there. To the mercy of one or the other Government he was obliged to trust. To which should he have trusted? To a declared enemy, or to his natural protector—his own Government?

Those who shipped before war, shipped, as the Speaker contended, on the reasonable expectation that their voyage and their profits would be lawful. But with those who shipped after war it was not merely the expectation of lawful profit. It was their only refuge from ruin.

Mr. L. said, that he already found himself fatigued, and should be able to give little more than an outline of the further views which he had intended to offer. With the exception of the Speaker, the opponents of unconditional remission appeared none of them to wish the exaction of the whole amount of any of the bonds. Hence the inquiry into the usual rate of mercantile profit, into the fine which the merchants might afford to pay, and yet make a reasonable profit on their violation of the law. The gentleman from Kentucky, who first spoke, and the gentleman from Pennsylvania, appear entirely to coincide in the wish that the merchant may not be a sufferer from his importation; but cautiously to abstain from rendering the situation of him who violates worse than of him who obeys the law, is a policy better calculated to procure than to prevent its violation. Let the enforcement of laws once cease to be the object for which penalties are intended, and those penalties become in principle a tax. The "sacred principle" which the gentleman from Pennsylvania so devoutly maintains, of exacting the extraordinary profits of the merchants, is the principle of filling the Treasury as conveniently as possible, and cannot (whatever its advocates may mean) be considered as that of injuring the enemy or enforcing the law. He would dismiss therefore the subject of adherence to law, and inquire for a few moments into the propriety of exacting the extraordinary profits of the merchants on the principle of a tax.

To render a tax on importation fair, it seems essential that the time of laying it, and the rate, should be such as to allow the merchant to indemnify himself from the consumer. Although half of the goods, of which he was speaking, had been sold by the importer, this would not prevent the tax from raising their price upon the farmer—but it would be raised not so as to indemnify the importing merchant, but to enrich the intervening purchaser.

It had been said by the two gentlemen who first spoke against remission, that the extraordinary profits of the merchants were a tax upon the country, and that the Government ought at least to share in its receipt. But surely the importations of the last Fall were not so much a tax, as the remission of a tax upon the people. Had they not been made, we should have paid much more for the articles we purchase, than we now do. His friend from Georgia, however, contended that every monopoly was a tax upon the community. It was less so, however, than an entire exclusion of the article. But there was nothing like monopoly in these importations. If the bold speculator had imported, and the cautious regular merchant refrained, there would have been some room for the observation. But the urgency of the case, and the advice of your Minister, forced the most timid to ship. Had notice been received of a suspension of the law, they could only have loaded such American vessels as happened to be in port, and this they had done. An advance indeed in freight would have been the result of such a suspension, and a deduction from the profits of the importers; and an advance was the result of that general exertion of the merchants to bring

home their property, which could not have been greater though our act had been suspended.

In respect to the calculations which have been made of the extravagant profits of our merchants, the attention of the Committee could hardly be expected to their details, but it might be to their principles.

The two gentlemen who first argued against remission, contended that in the estimate of the profits of the importing merchant, those derived from the state of exchange were fairly to be added to those on the sale of the imported goods. But the profit on bills of exchange is a distinct mercantile speculation, which has its risks and ought to have its profits. If an importing merchant, instead of obtaining funds in England by bills of exchange, effected the same purpose by the exportation of produce, is there any man who would propose to combine the profits of the two adventures, and carry both to the account of the last? The exporters of some of our produce would show you that the losses on the cargoes which they have shipped to Europe, consume much of the profits on their recent importations.

In respect to the policy of the exaction, in the cursory view of the question to which he was obliged to confine himself, he would say little; and nothing of its effect on the attachment and confidence of a considerable proportion of our citizens in their Government. He did not believe, however, that the interest of the Treasury would be permanently advanced by such an expedient. Were these eighteen millions a sum which the mercantile capital of the country could spare, would they be withdrawn from commerce even without this exaction? There could on this supposition be no doubt but that the merchants, who could not otherwise employ, would readily loan them to the Government. But if they were not a surplus beyond the amount of capital required for the commerce of the United States, how improvident must be the policy which, to obtain eighteen millions for the exigencies of the present year, would sacrifice that regular income of four or five millions which their employment in active commerce would otherwise produce. If the mercantile capital of the nation belonged not to private citizens, but to the Government, the most speculating financier could not invest it in a mode which would yield to the Treasury half the income which the duties on that capital now produce, and the politician who should impair this capital would exhaust in its source the future revenue of his country.

Mr. L. said, that he had attempted to show that, even in the class of cases which the House was perhaps least disposed to favor, the error of the petitioners could not justify confiscation, and that if the plan of confiscation and of a rigid execution of the law, were dismissed, no just principles of policy, and not even the interest of the Treasury could sanction an exaction which would resolve itself into a tax. But whatever disposition of the property of these merchants might be right —whether exaction or remission, or discrimination—he could see no reason why the power of taxing or fining any portion of the community, to an amount of eighteen millions, should be left to the Secretary of the Treasury. The Legislature, which prescribes the rule, properly leaves to the Executive the power of relieving from the penalty in particular cases, distinguished by peculiar circumstances from that class, within which they are included by the general terms of the law. But when not separate cases too minute for legislative inquiry or interposition, but a large class of cases is involved, embraced by the general terms of the law, but distinguished by circumstances which could not have been foreseen at its passage, the rule which is to relieve or condemn them should be prescribed by the power which can alone be safely intrusted with a control over the finances of the State. The gentleman from Pennsylvania had indeed said that the amount did not vary the principle. But in politics this was a strange opinion. Was it in principle quite as prudent to intrust the decision of a question of eighteen millions of dollars to the uncontrolled discretion of one man, as a question of a hundred or a thousand dollars? Was it in principle not more objectionable to give to one man the command of a standing army of a hundred thousand soldiers, than of a company? In politics, the most important of all principles was not to give, without necessity, even to the best man, a power which in the hands of the worst could be dangerous to public liberty. But it was evident from nearly the whole tenor of the debate, that gentlemen considered this measure as an important financial resource. If it be so, the plainest principle of our Constitution requires that it should be determined by the Legislature. The power of providing for the financial support of Government, exclusively exercised by a popular assembly, is the only adequate security for freedom, which the genius of man has yet discovered. This power of remitting penalties, even in the limited operation which could alone have been reasonably expected from it, at the passage of the first law upon the subject, was seen with suspicion and alarm by many of the ablest advocates of public liberty in that House. Among those whom an aversion to arbitrary power induced to vote against the law, was the present Secretary of the Treasury himself. Can it be supposed that this gentleman can undertake without reluctance and pain the exercise of a power, over eighteen millions of dollars, which he thought too great to be prudently intrusted to any man, when its probable operation was perhaps expected to be confined to a few thousands? The exaction of any portion of these bonds on any of the plans proposed, could, on no fair principle, be discriminated from a tax, and he would not vote to delegate to any department of Administration the most valuable prerogative of that House.

Mr. Stow.—Mr. Chairman: I always find myself considerably embarrassed when I attempt to address this House; and in the present case that embarrassment is much increased by a full sense of the importance of the subject, and of the splendor of the talents which have gone before

me. If the views which have been presented by others had appeared satisfactory to me, I would not for one moment trespass on your patience, or that of the House; or, had this been like the ordinary subjects which come before the Legislature, which relate to future actions to be done or not done, and whether the law be wise or foolish, the subject may guard himself accordingly. I say, sir, if it had been of this kind, I would not have spoken; but in the present case, I feel myself acting not so much in the character of a legislator, as that of a juror, sworn to pass between my country and certain individuals in a cause of immense magnitude.

When it was first presented to me, I thought the case a simple one; but when I observed the wide range taken by the respective speakers, I began to doubt the correctness of that opinion, and I examined it again and again. From these examinations, and from a careful consideration of what has been said, I am confirmed in the truth of my first impression. And here let me remark, that the very variant opinions which have been maintained in this House, become in themselves an argument in favor of the ground I shall take. What, sir, is the question before us? Not about the efficacy or non-efficacy of the embargo, for that has long since passed away. Not whether the restrictive system ought to be pursued or abandoned. It is not an inquiry whether Great Britain profits much or little by our reception of her goods. The goods are actually here, and I presume no man proposes to send them back; nor ought it to be an inquiry, whether the merchants have made much or little by the transaction. What, then, is the inquiry? It is simply this: Under certain circumstances, twenty millions of dollars worth of goods have been imported from Great Britain; the question is, who owns them, (or the bonds which have been taken in lieu of the goods,) the United States or the importers? What, then, is our title? I have heard three distinct claims set up: 1st, that they were forfeited as a penalty; 2d, that a part was fairly ours in consequence of an unusual profit, growing out of our restrictive laws; 3d, that policy required that we should seize upon them to preserve the non-importation law; and, lastly, the most difficult to convince or persuade—the most tenacious of all claimants—are those who found their right on no one title in particular, but on all together. Sir, let me address a few words to this class of persons first; let me urge them to examine their own breasts, and see if selfishness does not lurk there; let me warn them against being swayed by a principle alike destructive of liberty and justice; against using a weapon to which they themselves may one day fall the victims. Let us not array our prejudices against the merchants—the fruits of their toils are as dear to them as ours are to us. They have families, wives, and children whom they love, and are bound to provide for—they are men like ourselves.

But, sir, to return to the specific grounds on which this sum is claimed—does it not rest on this, that they have violated a law? Is this, then, a fact? I will not spend a moment in guarding gentlemen against so absurd a construction of law, as would subject a person to its letter regardless of its spirit; such a construction would, under the law of Rome to prevent assassinations, which denounced death to the person who should draw blood in the street, have executed the surgeon who bled a man dangerously bruised! A person who violates a penal statute, I admit, justly incurs its forfeiture; but, sir, I deny that the persons before you have violated any law of their country. Their property was in England, and knowing the terms of the non-importation law, and the course which has been taken with France, they could not have entertained a doubt of its becoming imperative after the British revocation of the 23d of June. To make a penalty just, there must be a crime. Are there any evidences of a crime in this case? Is it to be found in keeping the goods so long in England lest they should violate the law? Is it in coming openly to the bosom of their country? Look at the men—many of them the most respectable merchants in your country. Their agents in England, instructed not to ship goods so as to contravene any law of their country. These and others, the most intelligent men in England, Mr. Russell, the American Minister, all uniting—for what? To commit a crime!—a crime deserving the forfeiture of twenty millions! Gracious Heavens! It is utterly impossible. I ask any gentleman in this House to put himself in the situation of the merchant, and lay his hand on his heart, and say if he would not have done the same? I am sure he will answer yes. And is every man in this House ready to acknowledge to himself that he would be guilty of a crime? Most certainly not. How, then, can he consent to punish that as a crime in another, which he is conscious he would have done himself? Suppose, instead of a forfeiture of goods, the Legislature had made the sanction of this law corporeal punishment, what would the advocates of forfeiture have said then? Is there a man in this House who would have seen his neighbor imprisoned or whipped for what he has done? Certainly not. Then, sir, how happens it that so many are ready to inflict a pecuniary punishment? Have we not reason to fear that it does not spring so much from sacred regard to the law, as from the love of that which was long ago declared to be "the root of all evil?"

Perhaps it may be urged, that all persons are bound to know the law: that may be generally true; but they are not bound to know, that a law passed with reference to one set of circumstances is to apply to a case where the circumstances are entirely different. They are bound in such a case to follow the principles of general law and the dictates of sound sense. These will be plain in many cases—they are, as I may sir, engraved by the hand of nature in the heart of man. Was this such a case? Was the merchant bound to know that to avail himself of the privilege secured by treaty of removing property from an enemy's

country was a crime? By what force of reasoning—by what magic—could an American citizen in England learn, that bringing away his own property—things much wanted at home—was enriching his enemy, and ruining his country? How could he comprehend that it was wise and lawful to fit out privateers at a vast expense to take British goods on board a ship, and yet that it would be injurious to his country, and highly penal to take for nothing goods from the warehouse? How could he know, that if the privateer take goods from a store it is commendable; but that if the citizen should take his own from the same store, it would be criminal? It would be hard, indeed, to punish the citizen for not perceiving what is only perceived in this House, for nowhere else does such sublime philosophy prevail! No person, who has learned to reason out of the restrictive school, can clearly comprehend that the taking away from an individual, or a nation, enriches the individual or the nation; and, therefore, that it would be highly unlawful to enrich Great Britain by bringing away her goods.

But, sir, there has been an attempt to show that those who shipped after the declaration of war was known were criminal, although the other classes were not. As the question here is about punishing most severely, and which can be justifiable only where the law is clear, perhaps it would be a sufficient objection to any such discrimination to say, that, to perceive the distinction required all the acuteness of intellect which distinguishes the honorable Speaker, and which enables him to preside over this House with so much reputation. Some, by fine-spun reasonings, have thought they had made out one class more guilty, and some another. The obvious inference from this is, that none are guilty in such a manner as to deserve a severe punishment. To subject a man to this, the law ought to be so plain, "that he who runs may read." It cannot be a rule of conduct, the discovery of which requires the aid of the most subtle metaphysics; one about which, as we have seen, the ablest speakers differ, and sometimes lose, or change the thread of their own reasonings.

I shall pass over the claims set up to a part of the profits, because what I have said goes to show that, if we have any title, it is founded on forfeiture, in consequence of a crime, and therefore is applicable to the whole, if any; and because the impolicy and absurdity of the United States becoming partners in trade, and allowing their laws to be violated as part of the stock, have been so fully exposed by yourself and others, that I can add nothing to the clearness of the subject.

If, sir, I have been correct in my reasoning relative to the penalty, little will need be said as to the policy of taking the goods or money, because nothing can be politic which is unjust. But, say some, if these goods are allowed to escape, it is setting a precedent for all other violations of the law, and giving up the restrictive system at once. Sir, it can be no precedent but for like cases; and to make a like case, there must be millions of American property in England; there must be a repeal of orders known there, to be unknown to the Legislature here; and, last of all, a war which will oblige the citizen to remain with his property in an enemy's country—to return penniless to his own, or to trust himself and his property to the magnanimity of his country. When all these things shall have happened, the case will be like, and the men who shall conduct like your petitioners will be innocent. And, sir, who is there that would punish an innocent man for fear that at some future time one might become guilty? Such an idea shocks every feeling of justice—it would become an infernal rather than a man.

The seizing of these goods is highly impolitic in another point of view. It is this: Your enemy calculates better than any other nation the duration of the resources of her enemy. Will she believe you in earnest, and come to just and honorable terms, while she sees you shrink from laying a broad and solid basis for revenue, and resorting to such petty expedients as fines and forfeitures, with which to carry on war? Certainly not. We ought to show to her and to the world, that we are able and willing to carry on the war till we can obtain ample justice. We are at the beginning of an arduous contest—a contest in which we want the whole energies of the country. Is it then a time to plunder one class of our fellow-citizens and alienate their affections? Surely not. But, say some, the merchants are alienated already; they will do nothing for their country. Away with these dictates of prejudice. They are totally unfounded. True it is, that when driven from their livelihoods, they have shown a restlessness which all men would show; but they are as upright, as patriotic, as their fellow-citizens. They are ready to join you for the honor of their country—to lend you money, and furnish every means in their power. They only beg of you to receive them as brethren, and not to plunder them as enemies. Besides, what will you get by the attempt? The informers get fifty per cent., leaving you but fifty; the duties amount to as much as to leave but fifteen per cent. And for this paltry sum you are about to give up the duty bonds, and attempt the collection of the penalty bonds. Mark my words, sir, you will not get near as much by way of penalty as you would by duty.

Again, what an extraordinary spectacle does our Government exhibit on this occasion! The President (who is to be considered as speaking the united counsels of the Cabinet) recommends the subject to the consideration of the Legislature for their decision. On the other hand, according to the friends of the Secretary of the Treasury, he stands with eager eyes, saying, "let me have it—let me have it." And will you transfer what is your duty to any other hands? Will you deliver over hundreds of your fellow-citizens to receive their doom at the hands of any individual? Suppose an analogous case had occurred in federal times, and suppose the applicants had been farmers, would you have endured it? No; the

country would have been in a flame, from Georgia to New Hampshire, and justly so. Does the Secretary want such a tremendous power over his fellow-citizens? That of itself would be to me a sufficient reason for withholding it. Does he shrink from it, as I trust he does? I would not ask him to perform an act which will send him down to posterity loaded with the curses of his fellow-citizens.

Sir, this is not a question about future policy, but one of property. The inquiry is, do the merchants own these goods, or does the nation? The only title we have to them is that of penalty. To make a penalty just, there must have been a crime; but here there has been no crime. They have done what all prudent men would have done, and now rely with manly confidence on the justice and magnanimity of their country.

When Mr. STOW had concluded, the Committee rose, reported progress, and obtained leave to sit again.

IMPRISONMENT OF AMERICAN SEAMEN.

Mr. BASSETT offered to the House the following resolution:

Whereas, It is represented, that Great Britain has seized sundry persons fighting under the American flag, laying claims to them alike incompatible with justice and the rights of the United States as an independent nation:

Resolved, That the President be requested to lay before this House the information he has received on that subject, and the measures taken to redress an evil which violates the rights and interests, and outrages the feelings of a free and independent people.

Mr. BASSETT stated that several cases had come to his knowledge in which the British naval commanders had seized persons taken on board of American armed vessels, and confined them, in one instance, in irons, and in another had transported them to England for trial. It was not his intention now to go into an examination of these cases. Such an examination was not necessary to authorize the House to call for the information required. He had given its present form to the motion he had offered, because its adoption would go to show that the Councils of the nation were not indifferent to this subject. It would, he trusted, further enable the Executive to show that it never slumbered on any occasion in which the rights of the people were concerned; and he had no doubt the information to be received would show it. When it was received, the House might take what course it pleased; perhaps no legislative act would grow out of it. But it was proper, in any event, that the House should be in possession of information required.

Mr. MILNOR said he had no objection to the call for information, but he excepted to the form of the resolution, for two reasons. It was prefaced by a preamble, which was not usual in such cases, which preamble, moreover, assumed, as fact, circumstances of which the House had no official or authentic information. His other objection was, that it expressed an opinion on a point on which he was not ready to express one. Mr. M. said he knew not the extent of the evil of which the gentleman complained. If it was merely that Great Britain laid claim to her own subjects fighting our battles against her, he would at least not say that this was an act on the part of Great Britain deserving all those severe epithets which the gentleman had thought proper to attach to it. The resolution stated facts not before the House, and expressed an opinion on an act the degree of enormity of which depended on the circumstances respecting which it was proposed to ask for information. Mr. M. wished that the House should not lightly be compelled into a discussion of this subject, and especially as the gentleman had intimated the probability that no legislative act was to grow out of the information called for.

Mr. SEYBERT said, as his colleague's principal objection to the motion appeared to be a difficulty as to facts, he hoped to procure his vote for its adoption by stating at least one which had come to his knowledge. I, said Mr. S., had the honor to have a nephew on board the ship Wasp. He informed me this morning that after they had been carried into Bermuda several of their crew were taken and confined in irons; that he saw them in that situation; and that their crime was, having fought the battles of our country. What may be my colleague's feelings on this occasion, I know not—I hope they are honorable to himself and the House—for myself I wish the subject investigated. Mr. S. concluded by expressing his hope that the resolution would pass.

Mr. MACON said he was anxious to obtain information on this subject, but doubted the propriety of the preamble. After the information was received it would be time enough to express an opinion on the subject. He had no doubt that we must at last come to the determination to protect every man that is on board of a ship of the United States. It is what Great Britain herself does; and in this respect we ought to follow her example. If these people undertake to fight our battles we ought to protect them. Mr. M. said he was opposed to the preamble, because he did not wish to give reasons to the departments of the Government for any call for information the House thought proper to make; it was enough that the House should ask for it, and the President should give or withhold it. The practice heretofore was against the course now pursued.

Mr. BIGELOW said he had no objection to the call for information, divested of the preamble and the opinion expressed in it, except that it did not go far enough. He proposed to amend it by adding thereto the following words, "accompanied 'with all the evidence in his possession, which 'will tend to show whether such persons are 'American citizens or British subjects."

Mr. BASSETT said he was indifferent as to the form provided he obtained the substance; he, therefore, should submit to such modification as the gentleman from North Carolina should think proper to make. But, said Mr. B., as it has been said that there is no information before the House, I state that I understand and it is my belief that six men of the crew of the United States brig

Nautilus, were detained and sent to England for trial; and that Commodore Rodgers had detained as hostages for their safety twelve British subjects. I state also to the House that I understand and believe that six seamen of another armed vessel have been detained, and that General Pinckney had detained a like number of British subjects. I state that I have received information that the boatswain of the Wasp had been put in irons after she was taken. These violations of humanity and the law of nations I believe to require retaliation. When I voted against a bill on this subject (Mr. Wright's) it was not because I was opposed to retaliation. No, sir; retaliation in war is often mercy—it puts an end to those cruelties which would otherwise frequently disgrace parties at war, and is indispensable in the conduct of hostilities.

Mr. B. having withdrawn his motion, it was substituted by the following, offered by Mr. Macon:

"*Resolved*, That the President of the United States be requested to cause to be laid before this House any information which may be in his possession touching the conduct of British officers towards persons taken in American armed ships."

Mr. Randolph said he trusted that the resolution now before the House would meet with no objection; although against the resolution as first proposed, he must have voted for it, notwithstanding all the odium which might have attached to such a vote. He hoped, he said, that rigorous retaliation would take place if our countrymen found in arms had been treated as criminals and not as prisoners of war. He hoped we should have ample atonement for every drop of American blood which should be spilt in such manner. Having taken occasion to pay a handsome compliment to the gallantry of our Navy, which was not heard with sufficient distinctness to be reported, Mr. R. concluded by hoping there would be no objection to the resolution.

Mr. Milnor said he thought it due to the gentleman from Virginia (Mr. Bassett) to state that, owing to the noise which prevailed in the House, he had not before heard the statement which the gentleman had now been kind enough to make. He had heard of no such case as that alluded to by his colleague; but he trusted he had been sufficiently guarded not to commit himself, even to the most invidious construction, as opposed to a proper investigation of this subject. To the present motion he yielded his perfect acquiescence. Mr. M. said he trusted that in anything that related to the honor of the country in the contest in which we are now engaged, whatever might have been his opinion of the propriety of entering into it, he should not be found more backward than other gentlemen in sustaining the just rights of the nation.

Mr. Sheffey said, if American citizens had been treated in the manner represented, he was clearly of opinion that severe retaliation ought to follow. But did gentlemen pretend that a British subject, running away from a British vessel, and found on board of one of ours, was to be considered as entitled to be treated as a prisoner of war? Could this doctrine be asserted by any gentleman? He presumed not. The resolution, as it now stood, would not elicit the facts material as to this point. He, therefore, moved to amend it, by inserting, after the word "persons," the words "other than British subjects."

Mr. Seybert said he was happy to hear the declaration last made by his colleague (Mr. Milnor.) He hoped the amendment first offered would be rejected with disdain. [The Speaker declared that such language was not proper in debate, the expression being too strong, and such as sometimes led to a personal altercation, always to be avoided.] Mr. S. thanked the Speaker for his caution; he meant no personality; but he thought it did not become this House to debate whether the persons in question were British subjects or not, when they had been put in irons, for fighting the battles of the country. Let the proof rest on the aggressor on national law and the violator of the rules of war. He hoped the House would without hesitation reject the amendment. I may go too far, said he, by stating too much; but I will say thus much without risk of contradiction: that the boatswain of the Wasp, a warrant officer of the United States, had been twelve years within the United States and has a wife and children here. These, I hope, are sufficient characteristics to insure him our support: I will give him mine, and have no doubt the House will do the same.

Mr. Randolph said, that the proposed amendment brought strongly to view the impropriety of the House, on the rude suggestions of any member, committing itself hastily by a definite determination which to-morrow they might be disposed to retract. He believed this was one of those cases in which there was no necessity for haste. The House would be as competent to-morrow, to decide on the subject of the resolution and the proposed amendment, and in a manner to redound, at least, as much to the credit of the House and the national good, as now. With regard to his own opinions, if they were of any importance with his worthy colleague, he would at once say they were on this subject the opinions of that man, from whom he never did dissent but upon one question, without being wrong—that man who was emphatically called for eight years our Commander-in-Chief—the founder of this nation—the author of the Constitution—our first President—the man who was made for the office, and the office for him—the man who discharged all its duties so perfectly, as if it had been only to show those who come after him their incompetency. Mr. R. said he would ask his worthy colleague, what he supposed would have been the fate of a certain Benedict Arnold, had he been brought alive to the American camp, after his desertion from it? On that subject there can be but one opinion. On another question, if his opinion was of any value, he would state it. It was not a loose thought, taken upon the impulse of the moment; but the result of medita-

tion and reflection. As long as foreigners, naturalized by our laws, remain on our soil, he was ready to throw over them the mantle of the Constitution—he would protect them, as he would protect the native citizen, at the hazard of the last shilling of the public revenue, and the last drop of the blood of our people. But, when they go abroad on the high seas; when they come to this country to acquire a neutrality of character, now indeed no longer, to be found here; when they come here only to neutralize goods in the Baltic, at Heligoland, in the Black Sea, the White Sea, and the Red Sea, and the passing to and fro on the highway of nations; if it please God, their old master George the Third, or Napoleon, or Alexander of Russia, should lay his hand on them, they were welcome, Mr. R. said, for him. He would not spend one shilling, one drop of American blood, to redeem such a man; much less would he have retaliation executed on subjects of the nation claiming him, with whom we should happen to come in collision, which might have to be expiated by the native blood of these States. I would not, said Mr. R., have the New England man or old Virginian executed by any despot, limited or unlimited in authority, in order to secure to us the worthless property in the man who is a Christian in Christendom and a Mussulman in Turkey. But, Mr. R. asked, did not this question assume a different shape, when this man was not going to and fro on the high seas in search of plunder, which he calls patriotism, but, when he is found in a public ship of war of the United States? On that subject—for it was a new question—he was not prepared to decide. It was not, Mr. R. said, and the House might rely on it, the sentiment of the people of these States—it might be of some comparatively small, and therefore only insignificant section of the community—that we should enter into a contestation with France and England for property in their subjects.

Mr. R. here drew a comparison between the practice of harboring slaves in some of our Northern cities, Philadelphia for instance, and the countenance given in this country to European emigrants. As to these foreigners, Mr. R. said he owed them nothing. He was sorry they had ever found refuge here—he wished we had driven them from our shores—or have permitted them, as we have the merchants, to go out where they pleased, without attempting to protect them.

Mr. QUINCY rose, he said, simply to express his regret, that a debate in this form and manner should have arisen. The question which had been touched, was one which required all the information and light which could be shed on it. The principles connected with it were so numerous and critical, that it required all the reflection of which gentlemen were capable, to enable them to discuss and decide it in a proper manner. He rose also to express his regret that a motion for amendment should be made, by a gentleman with whom he frequently coincided in opinion, which went to exclude information of the manner in which officers treated persons other than British subjects. He could not vote against receiving information of any kind—particularly on a subject so interesting. Mr. Q. was proceeding in his remarks, when—

Mr. SHEFFEY withdrew his motion.

Mr. BASSETT explained his ideas of expatriation. He would not protect the man who had left the country with an intention not to return, &c., but he would protect the man who went out to fight the battles of the country.

Mr. RANDOLPH rose for the purpose of moving an amendment. He adverted to the language of the resolution, and drew a distinction between the character of privateers and of our public armed vessels. Was it competent, he asked, to the Government to receive as testimony the statement of the commander or crew of an American corsair? It was well known too, he remarked, that the high wages which had been paid to the crews of the privateers, was one of the reasons why the American Navy was in some degree unmanned. And, was it not a different question, whether we should interpose our authority between the subject of a foreign nation and his Government, when that subject is fighting your battles, bleeding on the deck of your public ship, at twelve dollars a month, and when he is decoyed into a corsair by the temptation of eighty, fifty, or forty dollars a month? There is a difference, sir, said Mr. R. I trust, said he, if we receive the information we are about to ask, we shall get it from a pure and authorized source, such as no man can question. I mean the commanders of our public ships of war. Mr. R. concluded by moving to strike out "American," and insert "public," so as to read "public armed ships."

Mr. WIDGERY expressed his surprise at the various expedients resorted to, to embarrass this question; and hoped this would have the same fate as the other. He said he could tell the gentleman that many privateers had been manned without a cent of wages. But, suppose they had been manned in other ways, were not privateers as useful in annoying the enemy as public ships? No man that knew anything about maritime affairs would deny it. Wherever our privateers had come across an armed vessel of the enemy, of anything like equal force, they had done their duty like American tars. We are at war, Mr. W. said, and ought to check the enemy wherever we come in contact with them. He believed the privateering carried on had been of great advantage to us and injury to our enemy. As to the objection which had been offered to receiving the statement of their commanders, what were gentlemen afraid of? No disparagement to the commanders of the Navy, (for he respected them all,) he knew gentlemen commanding privateers whose opinions were entitled to as great respect as that of any other, and whose word could not be questioned. In relation to the cases referred to in the resolve, particularly that of the boatswain, Mr. W. said we were bound by every principle of the law of nations to support him to the last cent of our money, more especially as he had a warrant under the seal of the United States. The con-

duct of our enemy was the less justifiable, as she manned her own ships with people of all nations.

Mr. Randolph's proposed amendment was negatived by a large majority; and the resolution was agreed to without further debate or opposition.

Thursday, December 10.

On motion of Mr. Harper, the Committee on Military Affairs were instructed to inquire into the expediency of adopting an elementary treatise for the discipline of the Army and militia of the United States.

MERCHANTS' BONDS.

The House again resolved itself into a Committee of the Whole on the report of the Committee of Ways and Means on the subject of merchants' bonds.

Mr. Grundy observed, that it was not his intention to enter into a minute and detailed examination of the subject; it was the duty of the members of the Committee of Ways and Means to do so, and they had certainly performed it in a manner highly satisfactory to the House. There were, however, some general principles involved in this discussion, on which the decision of the question must ultimately depend; to these he should confine the remarks which he was about to make, except so far as a reply to the observations of others, from whom he differed in opinion, might be deemed necessary. What, sir, is the true character of the question before you? and who are the men who ask relief? The answer is an obvious one: by the violation of the penal laws of the country, the sum of twenty millions of dollars has been forfeited to the people of the United States. The infractors of the laws (acknowledged to be such by the very act of petitioning) now ask an entire remission of the penalties incurred. Before this is done, you will certainly look at that course of policy which the Government has pursued in relation to this subject, as well as the conduct of the petitioners. To show the first, we need only look to the occurrences of last session: at an early period, a proposition to suspend the non-importation act was made by a gentleman from South Carolina; after a full discussion, it was either abandoned by the proposer or negatived by the House. To permit the entry of the British manufactured articles of which the late importations consist, was the avowed object. Some time afterwards, an attempt to modify the law, so as to effect the same object, was made; this was also disapproved of. After the declaration of war, a gentleman from Massachusetts (Mr. Richardson) moved an entire repeal of the restrictive system: this met the fate of the two former propositions. Thus did this House, on three different applications, declare that the non-importation act should remain the law of the land, and perhaps no case has ever occurred upon which this House pronounced so decisive an opinion; for the subject was presented in every shape of which it was susceptible, and the result was the same. What, sir, has followed? The petitioners have, in point of fact, repealed the law which you refused to repeal; they have trodden under foot that policy which you declared should be preserved as sacred; and they now ask you to give an after sanction to their conduct. You had their cases as fully before you at the last session as at present; for all remember, that your table groaned beneath the weight of their petitions. After a full examination, you rejected their applications; and if the prayer of these petitioners is now granted, may it not be said, with truth, that these men have overruled the law and the lawmakers? This, sir, is a state of things which in a Republic can never be permitted. We justly boast this is a Government of laws; and unless you cause the laws to be respected, and the will of the people to be regarded, when expressed through the medium of their legitimate organs, there is no way by which the refractory members of the community can be kept within the proper limits, and prevented from disturbing the harmony of society, as well as the just and necessary policy of the country.

Let us now inquire, what has been the conduct of the petitioners and how far that entitles them to the favorable interposition of this House? The non-importation law was adopted for the purpose of bringing Great Britain to a sense of justice. It was intended that its operation should be felt by the subjects of that nation, and that, by their sufferings, the Ministry should be brought to yield to our just claims; in fact, the great object was to produce a pressure upon the manufactures of that nation, and thereby produce a change of measures towards us. How was this to be effected? Only in one way: which was by preventing as far as possible the purchase of British manufactures; for it was in making the purchase and payment, that the relief was afforded, which was intended to be withheld. In attaining this object, our Government was compelled to consult the means within its power. To have declared it penal to purchase British manufactures in England would have been idle; the law would have been inoperative; to say nothing of the doubtfulness of the question, how it is competent in a nation to punish an act which has taken place beyond its limits and within the jurisdiction of a distinct independent sovereignty. In practice, the effect of such a law would have been defeated by the remoteness of the place at which the act was committed, and the difficulty of procuring testimony. There was then left that method only which was adopted, to declare by law that those articles should not be imported to this country, as the means by which to prevent their purchase in England. I have stated, and no reflecting man will, I am sure, controvert it, that to produce a pressure upon the manufactures in England was the object of the law, and every commercial man so understood it. How far have the petitioners co-operated with their own Government? Sir, instead of endeavoring to give efficacy to your measures, they have, from the day when you designed that the effects of this law should be felt by the enemy, been engaged in vesting their capital

in British manufactures, and thereby furnishing that relief which was intended by this Government to be withheld. This fact is fully manifested upon the face of their own petitions. Do the circumstances present the applicants in such a point of view to this body as to entitle them to the relief claimed by them? Not content with that profit which the fair merchant gains in times of peace and unembarrassed trade, they ask permission to enjoy that extraordinary profit which is produced by ther having violated the laws of the country, and thereby procured a monopoly in the market. If the non-importation law had not existed, instead of the value of twenty millions, near three times that amount would have been imported. Of course the quantity being greater, the competition among the importers would have been increased, and the profits on any given sum would be less.

It is required of us, not only to give to these men their capital invested in British goods, under the circumstances I have named, with the ordinary profits of trade, but we are asked to give them *a bounty* for their transgressions. In short, they solicit permission to tax the community at discretion, and this privilege is to be bestowed on them for the sole reason, that they have violated the laws of their country. That the importers, who have already made sales, have laid an unreasonable and unprecedented advance on the prime cost of every article is admitted, and that those who have not sold will have it completely in their power to do so, no man can controvert. I wish gentlemen to reflect, who is to pay this hitherto unheard of profit of the importer. The consumers, we all know, pay this when they purchase of the retailers. Already then has the community been taxed to a considerable amount, and these petitioners, if this bill shall pass, are to have the whole benefit.

Suppose, as the honorable member from New York (Mr. MITCHILL) has stated, "That had the Orders in Council been repealed, and the intelligence had reached this country before the 18th day of June last, that war would not have been declared," I ask, whether it may not fairly be inferred from occurrences which have taken place, but that for the relief afforded by the American merchants to the manufacturers in England, the Orders in Council would have been repealed at at an earlier period and of course the war would not have been declared. It should be recollected, for the evidence taken in the House of Commons clearly proves it, (and it is presumed that each member has examined that testimony,) that the Ministry of England did not abandon their Orders in Council voluntarily, but were compelled to do so by the sufferings of their own people, and surely that distress which at last produced their repeal would have operated so as to produce the effect at an earlier period, had no supplies been furnished from this country. If the gentleman from New York be correct in his hypothesis, I do not think it too harsh to say that the conduct of the petitioners and others in similar circumstances has produced this war. Let it, however, be distinctly understood, that I differ entirely from that gentleman in the opinion by him expressed, "that the Orders in Council were the only cause of war." Independent of them, there were other great causes which demanded an assertion of our rights by force, causes which still exist and require a vigorous prosecution of the war—but this is not a proper time to go into a discussion of the points in difference between the two nations, and I therefore forbear to detain the House by an examination of them.

Gentlemen have assumed a strange highminded position in this argument, the force of which I confess is beyond my comprehension. They say you must remit the whole of these forfeitures or exact the utmost farthing, or the consequence will be, that you prostrate the dignity of your laws. I appeal to you, sir, whether it be not possible to mingle justice and mercy together. Can you not punish without destroying? Can you not save from ruin while you do away the motives to a repetition of an offence? And on the score of preserving your laws from future violations, which is most likely to succeed, the infliction of a mild punishment, or none at all? A man of plain common sense would answer, without hesitation, the former. In the event of an entire remission of the forfeitures, you invite, nay more, you hold out a strong temptation to others to violate the non-importation law. But, if you enforce the penalties to a certain extent, you deprive them of the prospect of gain, and of course leave no inducement for either the petitioners or others to act in a similar manner. Sir, let us examine the nature of the claim which these men affect to have on the Government. They allege that they had funds in England to the amount of the prime cost of the goods imported, and that it was not possible to withdraw these funds in specie. Be it so. If the specie could have been procured, no argument in their favor, it is admitted by their advocates, could have been urged with propriety. How, then, does the subject present itself for a fair decision? The petitioners have funds in England; they desire to get them to their own country, but cannot do so without introducing articles prohibited by law; they do import goods forfeited the moment they arrive in an American port; the Government seizes them, but says to the importer, although the whole of this property is forfeited to the American people, yet the amount in specie which you had in England shall be restored to you, but you shall not lay the citizens of the United States under contribution. You may enjoy your capital unimpaired, but both the extraordinary and ordinary profits shall be withheld from you. By acting in this way, you guard your laws from future infractions; you teach those who are disposed to act improperly, that they cannot profit by it. I entreat those who are friendly to the non importation law to look at the consequences which must follow the passage of this bill. It is stated by the New York committee, that American property, situated precisely like that on which we are legislating, still remains in England. If

the present petitioners succeed, how can you refuse the same thing to others equally deserving the indulgent consideration of the House? The arguments of those who hereafter import will be stronger, because, in addition to those now used, they can urge the decision on this bill as a precedent in their favor, and under the pretext of property purchased in England by American citizens, British goods, (I mean goods belonging to British subjects,) will be brought to this country equal to the demand in the market; and let not gentlemen imagine they can prevent this by requiring evidence of the time of purchase. Men in England, starving for want of employment, will find testimony to help them to a market; and I am sorry to admit it, but the fact is so, they will find men in this country disposed to assist them.

The gentleman from South Carolina, (Mr. CALHOUN,) for whose opinions no member on this floor entertains a higher opinion than I do, has said that, by not passing this bill, we are authorizing the Secretary of the Treasury to impose a tax on these men at his discretion. Sir, this view of the subject is a mistaken one, if I know anything of the principles of taxation. It may be considered as the assessment of a sum of money upon the community, or particular portions of it, without regard to their past conduct; it falls alike upon the virtuous and vicious; upon those who have observed, as those who have violated, the laws of the country; the past is not regarded, it operates prospectively altogether. Far different is the case before you; here, the property has already been forfeited, and has, under existing laws, been vested in the American people, and the attempt made by those who are opposed to the remission is not to clothe the Secretary with any new powers, but to prevent these men from depriving the community of that which is at this time public property.

The law vesting the Secretary with the power to remit fines and forfeitures is strangely misunderstood. It is represented as a law of rigor and severity—this is not its true character. It contains those provisions only which are calculated to mitigate the punishment inflicted by penal laws. No man is bound to apply to the Secretary; if he chooses to submit to the operation of the laws, he can do so. It is only in cases where the party is of opinion that the laws ought not to be enforced to their full extent, that an application to the Secretary of the Treasury for a remission or mitigation is contemplated, and this power of softening the rigor of the laws in every well-regulated society exists in some department of the Government.

This law is now complained of as being tyrannical in its principles, but gentlemen have certainly failed to prove this in argument; it rests on assertion only. On the other hand, it has the strongest reasons in its favor. It was passed in Federal times. This should give it the sanction of a certain class of politicians. No attempts were made to repeal it when the Republicans came into power; so far from it, they have acquiesced and practised under its provisions for twelve years, and never before the present session has a complaint been heard. Gentlemen, I apprehend, on reflection, do not find much cause for exultation in having discovered that the present Secretary of the Treasury voted against this law when a member of Congress, and having urged that as a reason why he was an improper person to act under it. True, this disclosure excited a smile on the countenances of some, but it was evident, that it was not the smile of benevolence or good humor, but proceeded from very different feelings. What, sir, does all this amount to? Mr. Gallatin, when a member of Congress, voted against a particular bill; it, however, became a law. Several years afterwards he is called to an important office, the duties of which require him to execute this law. It certainly does not follow, that because he voted against the law, that he will not execute it faithfully. Might it not with much more propriety be urged, that he who voted against a declaration of war, should not be trusted with the sword of his country under any circumstances? Or, that he who voted against any increase of the Navy, should never be permitted to fight for his country on the ocean? Or, that the member of a Legislature who had voted against any important measure which had to be enforced by the judiciary, should never sit as a judge when questions under such a law were to be decided on?

The gentleman to my right, (Mr. LOWNDES,) had, without well considering the import of what he was saying, declared, that the Government will profit more by returning this twenty millions of dollars to the merchants than by retaining it, and appears to have convinced himself that we shall annually get five millions in duties from them for this twenty millions. If, sir, I could believe this, I would certainly vote with him; and not only would I do this, but I would be in favor of borrowing to the full amount of the nation's credit, and give it to the merchants. We could no doubt borrow at eight per cent., and if we could then, by giving it away to that class of men who seem, in the opinion of some gentlemen entitled to all favor, obtain twenty-five per cent., the war, and all the expenses of the Government, would not be felt. But, sir, this plan of making money is too favorable to be well-founded, and, before I can accord with it, my judgment must be better satisfied. I am afraid to make the experiment.

We are told, if a remission does not take place, great dissatisfaction will prevail among the merchants; they will not lend their money, and will embarrass you in the prosecution of the war. Sir, believe me, it is not by doing injustice to the rest of the community, in order to keep the merchants in good humor, that you will be enabled to get on in the war advantageously. As to obtaining money on loans, make it the interest of the money-holder to lend to the Government, and he will do so; and, when he is deliberating on the subject, the great inquiry generally is, whether this is the most profitable way of disposing of his capital.

Were I disposed to intimidate gentlemen on this occasion, I could tell them of another class of citizens who have an interest in this question, A class of men composing nine-tenths of the community, who, when they do speak, will and must be heard with effect.

Mr. BOYD, Mr. RHEA, and Mr. CLAY, spoke in opposition to a total remission of the bonds—each however advocating a partial remission of a certain description of the bonds.

The Committee then rose, reported progress, and obtained leave to sit again.

FRIDAY, December 11.

Mr. POINDEXTER presented petitions of the Legislature of the Mississippi Territory, praying that further time may be granted to complete the payments for public lands; that the Indian title to certain lands in that Territory may be extinguished; and that a divisio of that Territory may not take place. The first was referred to a Committee of the Whole, the second to the Secretary of War, and the third ordered to lie on the table.

On motion of Mr. PITKIN, the Committee of Commerce and Manufactures was instructed to inquire into the expediency of making provision by law for placing beacons and buoys on two rocks in or near the harbor of New Haven, in Connecticut.

MACEDONIAN AND FROLIC.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of Representatives of the United States:

I transmit to Congress copies of a letter to the Secretary of the Navy, from Captain Decatur, of the frigate "United States," reporting his combat and capture of the British frigate Macedonian. Too much praise cannot be bestowed on that officer and his companions on board, for the consummate skill and conspicuous valor by which this trophy has been added to the naval arms of the United States.

I transmit, also, a letter from Captain Jones, who commanded the sloop of war Wasp, reporting his capture of the British sloop of war, the Frolic, after a close action, in which other brilliant titles will be seen to the public admiration and praise.

A nation feeling what it owes to itself and to its citizens could never abandon to arbitrary violence on the ocean, a class of them which gives such examples of capacity and courage, in defending their rights on that element; examples which ought to impress on the enemy, however brave and powerful, a preference of justice and peace, to hostility against a country whose prosperous career may be accelerated, but cannot be prevented, by the assaults made on it.

JAMES MADISON,

WASHINGTON, *December* 11, 1812.

U. S. SHIP UNITED STATES, AT SEA, *October* 30, 1812.

SIR: I have the honor to inform you that, on the 25th instant, being in the latitude 29° north, longitude 29° 30 west, we fell in with, and, after an action of one hour and a half, captured His Britannic Majesty's ship Macedonian, commanded by Captain John Carden, and mounting forty-nine carriage guns, (the odd gun shifting.) She is a frigate of the largest class, two years old, four months out of dock, and reputed one of the best sailers in the British service. The enemy being to windward, had the advantage of engaging us at his own distance; which was so great that, for the first half hour, we did not use our carronades, and at no moment was he within the complete effect of our musketry or grape. To this circumstance, and a heavy swell which was on at the time, I ascribe the unusual length of the action.

The enthusiasm of every officer, seaman, and marine, on board this ship, on discovering the enemy, their steady conduct in battle, and the precision of their fire, could not be surpassed. Where all have met my fullest expectations it would be unjust in me to discriminate. Permit me, however, to recommend to your particular notice my first lieutenant, William H. Allen: he has served with me upwards of five years, and to his unremitted exertions in disciplining the crew is to be imputed the obvious superiority of our gunnery exhibited in the result of this contest.

Subjoined is a list of the killed and wounded on both sides. Our loss, compared with that of the enemy, will appear small. Amongst our wounded you will observe the name of Lieutenant Funk, who died a few hours after the action; he was an officer of great gallantry and promise, and the service sustained a severe loss in his death.

The Macedonian lost her mizzenmast, fore and main-topmasts, and main-yard, and was much cut up in her hull.

The damage sustained by this ship was not such as to render her return into port necessary; and had I not deemed it important that we should see our prize in, should have continued our cruise.

With the highest consideration and respect, I am, sir, your obedient humble servant.

STEPHEN DECATUR.

Hon. PAUL HAMILTON.

List of killed and wounded on board the United States.

Thomas Brown, New York, seaman; Henry Shepherd, Philadelphia, seaman; William Murray, Boston, boy; Michael O'Donnel, New York, private marine; John Roberts, private marine—*killed.*

John Mercer Funk, Philadelphia, lieutenant, (since dead;) John Archibald, New York, carpenter's crew; Christian Clark, ditto, seaman; George Christopher, ditto, ordinary seaman: George Mahar, ditto ditto; William James, ditto ditto; John Laton, ditto, private marine—*wounded.*

On board the Macedonian there were thirty-six killed, and sixty-eight wounded; among the former, were the boatswain, one master's mate, and the schoolmaster; and of the latter were the first and third lieutenants, one master's mate, and two midshipmen.

NEW YORK *November* 24, 1812.

SIR: I here avail myself of the first opportunity of informing you of occurrences of our cruise, which terminated in the capture of the Wasp, on the 18th of October, by the Poictiers, of seventy-four guns, while a wreck from damages received in the engagement with the British sloop of War Frolic, of twenty-two guns, sixteen of them thirty-two-pound carronades, four twelve-pounders on the main deck, and two twelve-pound carronades on the top-gallant forecastle; making

her superior in force to us by four twelve-pounders. The Frolic had struck to us, and was taken possession of two hours before our surrendering to the Poictiers.

We had left the Delaware on the 13th; the 16th had a heavy gale, in which we lost our jib-boom and two men; half past eleven on the night of the 17th, in latitude 37 degrees north, and longitude 65 degrees west, we saw several sail, two of them appearing very large; we stood for them for some time, then shortened sail, and steered the remainder of the night the course we had perceived them on. At day-light, on Sunday the 18th, we saw them ahead; gave chase, and soon discovered them to be a convoy of six sail, under the protection of a sloop of war; four of them large ships, mounting from sixteen to eighteen guns. At thirty-two minutes past eleven A. M., we engaged the sloop of war, having first received her fire at the distance of fifty or sixty yards, which space we gradually lessened until we laid her on board, after a well supported fire of forty-three minutes; and although so near, while loading our last broadside, that our rammers were shoved against the side of the enemy, our men exhibited the same alacrity which they had done during the whole of the action. They immediately surrendered upon our gaining their forecastle, so that no loss was sustained on their side after boarding.

Our maintop-mast was shot away between four and five minutes from the commencement of the firing, and falling, together with the maintopsail-yard, across the larboard fore and fore-topsail braces, rendered our head-yards unmanageable the remainder of the action. At eight minutes, the gaff and mizzen topgallant-mast came down, and at twenty minutes from the beginning of the action every brace and most of the rigging was shot away. A few minutes after separating from the Frolic both her masts fell upon deck; the mainmast going close by the deck, and the foremast going twelve or fifteen feet above it.

The courage and exertions of the officers and crew fully answered my expectations and wishes. Lieutenant Biddle's active conduct contributed much to our success, by the exact attention paid to every department during the engagement, and the animating example he afforded the crew by his intrepidity. Lieutenants Rogers, Booth, and Mr. Rapp, showed, by incessant fire from their divisions, that they were not to be surpassed in resolution or skill. Mr. Knight, and every other officer, acted with a courage and promptitude highly honorable, and I trust have given assurance that they may be relied on whenever their services may be required.

I could not ascertain the exact loss of the enemy, as many of the dead lay buried under the masts and spars that had fallen on deck, which two hours' exertion had not sufficiently removed. Mr. Biddle, who had charge of the Frolic, states that, from what he saw, and from information from the officers, the number killed must have been about thirty, and that of the wounded about forty or fifty; of the killed, is her first lieutenant and sailing-master; of the wounded, Captain Winyates, and the second lieutenant.

We had five killed and five wounded, as per list: the wounded are recovering. Lieutenant Claxton, who was confined by sickness, left his bed a little previous to the engagement, and though too weak to be at his division, remained on deck, and showed, by his composed manner of noting its incidents, that we had lost by his illness the services of a brave officer.

I am, respectfully, &c. JACOB JONES.

Hon. Paul Hamilton.

The Message and documents having been read—

On motion of Mr. Randolph, they were referred to the Committee on Naval Affairs, with instructions to report a suitable expression of the Legislative approbation of the services detailed.

Mr. R. said he did not wish by this motion to limit the Committee to reporting a resolution; or to preclude them from expressing approbation in a more substantial manner.

MERCHANTS' BONDS

The House again in Committee of the Whole on this subject.

After some debate—

The question was taken on the adoption of the report of the resolution recommended by the Committee of Ways and Means, in the following words:

"*Resolved*, That it is inexpedient to legislate upon the subject, and that the petition, with the accompanying documents, be referred to the Secretary of the Treasury"—

And negatived: for the resolution 49, against it 52.

Several motions were then offered by different gentlemen, in accordance with the ideas advanced by them in debate, and negatived.

Mr. Cheves proposed the following resolution to the Committee.

"*Resolved*, on viewing all the facts which have been presented, and considering them in connexion with the proper policy of a just, free, enlightened, and consequently lenient Government, under the circumstances of this country at this crisis, that, in all fair cases of *bona fide* American property, the penalties and forfeitures incurred by the late importers of British manufactures be unconditionally remitted."

This motion was negatived by a majority of eight votes.

Mr. H. Clay then proposed the following resolution:

"*Resolved*, That so far as respects the case of citizens of the United States who purchased goods, wares, and merchandise, the growth, production or manufacture of Great Britain, prior to the 2d February, 1811, and of citizens of the United Status who shipped similar goods, between the 23d day of June and first of August, 1812, on board of vessels which actually cleared out of British ports prior to the said first day of August, the petitioners ought to be relieved by a remission of the forfeitures and penalties which they have incurred upon payment of legal costs; and that in all other cases of the petitioners, a recovery of the forfeitures and penalties incurred ought to be enforced."

Mr. Rhea moved to amend the same by striking out all the resolution to the words "prior to," and inserting the following words in place thereof, viz:

"To the second day of March, 1811—the petitioners ought to be relieved, by a remission of the forfeitures and penalties which they have incurred, upon payment of legal costs, and that on all other cases of the petitioners a recovery of the forfeitures and penalties ought to be enforced."

Mr. Rhea's amendments, and afterwards Mr. Clay's motion, were negatived by large majorities.

Mr. Hall then offered a resolution declaring

that the law ought to be rigidly enforced; which motion also was negatived, seventeen members only rising in favor of it.

The Committee then rose and reported their disagreement to the report of the Committee of Ways and Means, without having come to any other determination.

MONDAY, December 14.

On motion of Mr. BASSETT, the resolution expressive of the sense of the House on the subject of the capture of the Guerriere by the United States frigate Constitution, was recommitted to the Committee on Naval Affairs, with a view to incorporate therewith the cases of capture of the Frolic and Macedonian, referred to their consideration on Friday last.

MERCHANTS' BONDS.

The SPEAKER announced the order of the day on the report of the Committee of the Whole on the report of the Committee of Ways and Means on the subject of the merchants' bonds.

Mr. BACON, after adverting to the bill before the Senate, which would probably in a day or two place the subject now under consideration more definitely before the House, moved to postpone the further consideration of the report to Wednesday.

Mr. BIBB opposed the motion. He said that the decision of the House on the report now before them would not preclude them from again acting on the subject, if brought before them in any other form.

The motion to postpone the report was negatived—54 to 46.

The question then recurred on concurring with the Committee of the Whole in their disagreement to the resolution reported by the Committee of Ways and Means.

Mr. NEWTON said the subject under consideration, in his opinion, occupied but little space; and that he should, in the observations he had to offer, be as concise as possible. To keep within the rule which he had laid down for his observance, he should avoid entering into an examination and comparison of invoices; nor should he inquire what were the profits or losses, which the merchants had made or suffered. With due deference for the opinions of other gentlemen, he could not perceive the bearing such subjects had on the resolution reported by the Committee of Ways and Means. That resolution recommends to the House a plain course, not to legislate on the cases of the merchants. Mr. N. thought the report stood on firm grounds. I am, said Mr. N., of opinion that as the law has provided a proper tribunal for the decision of such cases, they should be left to the ordinary course of law. This opinion was the result of conviction on an investigation of the subject. I find that the law which authorizes the Secretary of the Treasury to mitigate or remit forfeitures, penalties, &c., incurred in certain cases, passed the 3d of March, 1797, under the Administration of the illustrious WASHINGTON: that, under the Administration of Mr. ADAMS, it was made perpetual; and that it has, to this day, without any modification whatever, continued in operation. The power of mitigating or remitting forfeitures and penalties incurred under the law regulating the collection of duties on imports and tonnage; under the law laying an embargo, and the supplemental acts when in force; under the late non-intercourse law; and under the present non-importation act; has been constantly exercised by the Secretary of the Treasury. For sixteen years this power has been exercised by the different Secretaries of the Treasury Department, without any complaint; even the merchants during that period of time have acquiesced in the exercise of it, without ever uttering the feeblest note of dissatisfaction; and the members of Congress never attempted, until the present session, to take from the jurisdiction of the Secretary of the Treasury a solitary case. During the period of sixteen years the different Secretaries have decided on cases, in which forfeitures and penalties have been incurred, amounting, as to the value of the property, to about fifty millions of dollars. Individual cases of forfeitures, during that period, not unfrequently occurring, as to the value of the property, equal to any case in the class of cases now under consideration. The investiture of this extraordinary, equitable jurisdiction, in the Secretary of the Treasury, was designed by the National Legislature to prevent—despatch being an all-important consideration in the decision of mercantile and revenue cases—that delay in the proceedings of the courts, too often and too justly complained of. The courts, jealous of encroachments of their jurisdictions, have never considered the power of mitigating or remitting forfeitures, &c., as being unconstitutionally invested in the Secretary of the Treasury. They have uniformly, in prosecutions pending before them, for forfeitures, &c., incurred, received the releases of those forfeitures executed by the Secretary of the Treasury, as legal acts, have directed them to be read and entered of record, and have ordered the prosecutions to be forthwith dismissed. This view which I have taken, said Mr. N., of the subject under consideration, proves to the satisfaction of my mind that the power of mitigating or remitting forfeitures, &c., is a power legally belonging to the Secretary of the Treasury. I am not a little astonished to see an effort made to wrest from the Secretary of the Treasury the power which the law has conferred on him, to take cognizance of the cases which have arisen under the non-importation act. Different grounds have been taken by different gentlemen; some objections have been made to the reference of the cases now before the House to the Secretary of the Treasury, on the ground that the law does not give any jurisdiction over them. This position, I think, is not tenable.

The argument of my ingenious friend (Mr. BIBB) is, according to my apprehension, not only sound but conclusive.

The law declares "that the Secretary of the

'Treasury shall have power to mitigate or remit 'such fine, forfeiture, or penalty, or remove such 'disability or any part thereof, if, in his opinion, 'the same shall have been incurred without wil- 'ful negligence, or any intention of fraud in the 'person or persons incurring the same."

My friend (Mr. BIBB) very justly contended, in his exposition of the law, that no limits are assigned to the exercise of a sound discretion, by the Secretary of the Treasury, over forfeitures incurred, except such as the acts of the parties concerned may have assigned to it. If it be apparent that persons have incurred forfeitures through wilful negligence, or by a clear and manifest commission of fraud, the Secretary cannot grant relief. But if forfeitures be incurred through omissions or mistakes, in which not the slightest shade of fraud is visible, or from circumstances not foreseen and in their nature unavoidable, the power of the Secretary of the Treasury to extend relief has no limitations. Another answer to the objections already stated, and in itself conclusive, is, that the non-importation act gives the Secretary of the Treasury the same power over forfeitures under that law, that he has over forfeitures incurred under the law regulating the collection of duties on imposts and tonnage. I like to see, said Mr. N., stability in whatever appertains to jurisprudence. The standard of justice should, at all times, be the same; it should not vary according to circumstances. The same measure should be meted alike to all, high and low, rich and poor. Unless this rule be observed and inflexibly adhered to, a Republican Government loses one of its best characteristics, that of being a just guardian of the rights of the citizens. The rich and magnificent, by a relaxation of the principles which ought to be invariably observed in the dispensation of justice, would have the certainty of impunity for all their acts; their oppressions of the laborious classes of society would be without limitation or restraint; and although the legal forms of prosecutions may be preserved, yet against such offenders the trial would end in a mockery of everything like substantial justice. My friend (Mr. CHEVES) has said that the reference of the cases of the merchants to the Secretary of the Treasury would be highly improper; that it would be striking at the foundation of the Government to refer such matters to that officer; and that it would be taking the cases from the cognizance of the proper tribunals. To these objections I answer that the tribunals of law are open to the parties, they have it in their choice to go into the courts for redress, and even pending the actions at law to apply to the Treasury for a mitigation or remission of the forfeitures incurred. Should he refuse to mitigate or remit the forfeitures which have been incurred under the non-importation act, the cases of the merchants would then be, in the last resort, decided by the judiciary. If the course of procedure recommended by the Committee of Ways and Means, be levelling a fatal blow at the principles of a Republican Government, I hesitate not to say that the blow has, long since, been struck, and that the Government has survived it, and is flourishing in health and vigor. The reference of cases every way similar to these, now before the House, to the Secretary of the Treasury under the successive Administrations of a Washington, of an Adams, of a Jefferson, and of a Madison, prove clearly to my mind, that no dangerous consequences can possibly ensue by giving to the present cases the same direction. I cannot, said Mr. N., persuade myself that these Executive Magistrates, that Congress, and that the people, the intelligent people of the United States would have so long acquiesced in suffering a law to exist, to be every day in action, which should threaten the subversion of the Government.

The most fatal blow that could be struck at a Republican Government would be that which should destroy the principles which insure a correct and impartial administration of justice. The principles of impartial justice will never sanction a practice, which, while it subjects the poorer classes of society to the rigorous application of the penal laws, allows relaxations and suspensions of those laws in favor of those classes whose prospects are prosperous and splendid.

Whenever discriminations take place in the distribution of justice, the Republic is demolished. I am, sir, in favor of giving to all parties, be their circumstances prosperous or adverse, the like remedy, the same redress. If equal justice be rendered to all persons, this vital and animating principle of a Republican Government will preserve to it vigor and duration, and insure to the Administration thereof the affections of the people. Opinion, sir, in a popular Government, is a desideratum of much moment. Let us not forfeit its support by a departure from those principles which it delights to honor and to cherish. Opinion carefully nurtured is political strength.

To the Constitution it will give stability; to the magisterial arm, nerve; to the laws, energy; and to the execution of them, promptitude and certainty.

I am therefore, for these reasons, unwilling to withdraw the cases of the merchants, which have arisen under the non-importation act, from the direction which the law has given them.

I am not, sir, alarmed for the issue; I am fully persuaded that every mitigating circumstance will receive due attention and consideration, and that such a decision will be made as shall comport with the public good—such a decision as the most refined and enlightened equity can dictate.

The debate on the resolution before the House, has been extended to other subjects, supposed to have some connexion with it. As the part which I have taken, however humble it may have been, in bringing those subjects to notice, has been honored with some attention, and has given rise to some remarks, I feel myself bound to vindicate the opinions which I expressed in support of the proposition which did not originate with me, as well as that of which I was the mover.

Soon after the commencement of the present session, my friend (Mr. HARPER) moved a resolution, directing the Committee of Commerce and

Manufactures to inquire into the policy and expediency of prohibiting the exportation of provisions. Some time after the decision of the House on that resolution, which expired at the instant of its birth, I did myself the honor of presenting a resolution, which is still reposing on the table, directing the same committee to institute an inquiry into the expediency of restraining under certain conditions the exportation in vessels belonging to nations in amity with the United States of provision and all such articles as came under the denomination of military stores, and which might be considered as useful and necessary for naval equipments. These resolutions were, by my friend (Mr. CHEVES,) for whose intelligence and patriotic worth I entertain a sincere respect and esteem, compared to a comet with a long tail, alarming and threatening the nation with calamities and afflictions dire. The enlightened citizens, sir, of these United States are not to be dismayed or terrified at real disasters, much less is it to be apprehended that the equanimity of their minds will be disturbed by the appearance of such signs and portents as have of late been visible in the political horizon. To the revival of letters and the arts, man owes his regeneration—enlightened by their cultivation, he feels with pride his liberation from the dominion of ignorance and superstition. No longer does he tremble or quake with fear at the predictions of augurs, or the infuriate ravings of a Parish or an Osgood. He cares not now, whether sacred chickens feed kindly or not; nor does he deign to look whether the crows in their flight take a direction to the East or to the West.

For the pious, modest and meek expositors of the Gospel, he feels awe, reverence, and love; their examples illustrate and give force to their precepts; and they are justly viewed as the benefactors of the human race. But for the apostles of anarchy and civil war, enlightened and civilized man feels unutterable contempt—apostles who prostitute and pollute the altars of the just and living God, to promote the low and petty purposes of ambition: such apostles are not of the right stock; they are of the stock of Judas Iscariot, and like him are ready to betray their Saviour and their country. In the acquisition of wisdom, man finds an accurate standard, according to which he forms a just appreciation of the things of this world; in the exercise of fortitude, a refuge from the calamities and adversities of this life; and in his courage—when his conscience does not pronounce him a criminal—a shield!

Taking, sir, a different view of the state of public affairs, from that taken by my worthy friend, (Mr. CHEVES,) I am apprehensive, that the resolutions, which he compared to a comet foreboding ill, have disappeared from the horizon too soon for the speedy restoration of peace and the future prosperity of this nation.

The calamities and afflictions which those resolutions portended, and with which they were supposed to be fraught, would have fallen on the heads of our enemies and oppressors. I wish to God I was endued with the power of creating a comet—that I was potent enough to give it impetus and to direct its course. The prostrate nations of the earth should rise and greet it as the sign of their deliverance. Warmed and enlivened by its rays, joy and prosperity should again gladden those regions which ambition and the insatiate spirit of mercantile monopolies have despoiled of their wealth, and deluged with the blood of their unoffending people. The plaintive cries of misery no more should agonize the heart. No more should tears bedew the pallid cheeks of the widow or the orphan. No more should ruthless and savage war and piracy roam over earth and seas in quest of victims—in every direction spreading devastation and ruin.

Anthems and songs should announce the return and restoration of the empire of peace. Man should be permitted to manage, in his own way, his own concerns. Without care he should sow and reap, with a countenance speaking gratitude, the harvest of his labor. These, sir, are the blessings that a comet, of my creation, should dispense.

In the smiles of nations I should feel the conscious luxury of doing good.

But, sir, let me not presume to claim the praise of originality for resolutions which my worthy friend (Mr. CHEVES) compared to a comet—justice and truth forbid it—to wiser heads the invention is due. Signs and portents, like these, are coeval with the independence of this nation. The throes which gave birth to the Revolution of America—to liberty, exiled from every region of the globe, an asylum—and to an oppressed and insulted people, freedom—the same throes gave existence also to such legislative acts as have been dignified with the appellation of comets, The Revolutionary Congress, composed of men, I ought to have said a galaxy of worthies and patriots, such as the astonished and admiring world never before saw—worthies whose wisdom and valor fitted them to be the saviours and deliverers of a young people, from the blighting oppression of an Egyptian bondage—those worthies, at that new and eventful era, did not disdain to create such legislative comets, and make them efficient orbs of their political system.

Did not those illustriouss statesmen recommend the non-importation and non-consumption of British manufactures—at a time, too, when the supplies of the American people were drawn wholly from Great Britain—at a time when the nation could boast of no established manufactories—when the nation was destitute of military resources, and when war was raging—and even at a time when the Treasury of the Union had not a dollar at command. At that eventful and ever memorable period of our history, Congress recommended, for the power of coercion did not belong to Congress, the non-importation and non-consumption of British manufactures—the people heard the voice of Congress, and with cheerfulness and alacrity obeyed it. Like men inspired with a high and dignified sense of national rights and national honor, they magnanimously suffered in their country's cause every privation.

Can I err, sir, is it possible for me to err, when for my polar star I follow such illustrious examples of wisdom and patriotism?

My friend (Mr. Cheves) has expressed with warmth and energy his opposition to the non-importation act, and to every sort of restriction. He considers the non-importation act a system of self-torture, producing, by its paralyzing effects, in our cities, a gloomy stillness, such as that which is produced by the visitation of a pestilence. Such a description, deriving no little advantage from the graces of elocution, would naturally fill the mind with apprehensions, and infuse into it a belief that nature herself was brought to an awful pause, the aspect of things portending dissolution—"the wreck of matter, and the crush of worlds!"

Recovering from the despondency into which I was thrown by the animated speech of my friend, I was pleased beyond description to behold so many cheerful countenances, so many unequivocal signs of content, self-complacency, and composure.

As our Eastern brethren are the bitterest enemies that the non-importation act has, as their lamentations have been loud and incessant since the first restrictive measure was adopted, my imagination has been constantly picturing the effect which real and corroding grief, long suffered, would have on their minds and bodies. I was trembingly alive for their temporal happiness. I expected to see them pale, emaciated, mere moving skeletons—a bare-bones Parliament. But how agreeably am I disappointed! the reverse of this picture is the true representation. From the constant exercise which they have been taking on the electioneering hobby-horse, the restrictive system, they have grown sleek, ruddy, and robust, so plethoric that the skilful physician, if consulted, would without doubt recommend either abstinence or depletion.

The power of imagination improperly exercised, or artificially stimulated, brings, on individuals as well as on bodies politic, evils which are incalculably mischievous.

But to the point. The observations of my friend (Mr. Cheves) have constrained me, contrary to my wish, to take a concise view of the causes which have depressed commerce. I trust I shall be enabled to show that the depression of our commerce is not fairly attributable to the operation of the restrictive system, nor to any other act of the Government of the United States. A plain succinct statement of historic facts, will place this subject in its proper light.

When Great Britain in the year 1793 took the attitude of a belligerent Power opposed to France, her commerce became of course circumscribed. The United States continuing neutral, had opened to them a more extensive trade than that which they had heretofore enjoyed. The expectation of enjoying the advantages of a neutral position was not in all instances realized. The British Government, intending to starve the new Republic of France into a compliance with its views, prohibited the exportation of provisions to that country. That Government succeeded in instigating the Russian and other Governments to pursue the same policy. American vessels performing their voyages to France were by the orders of the British Government captured and carried into British ports and those of her allies, thereby depriving the United States of the best market, which was France, for the sale of their productions. The events of the war changing the relative state of the nations of Europe as to each other; Spain, Holland, and other Powers, successively became parties in the war against Great Britain. The change of attitude among the Powers of the Continent, heretofore supplied by the British with their manufactures in their own bottoms, opened a trade to the United States in every respect extensive and lucrative. Our merchants availed themselves of it, but the embarrassments it had to encounter were great, as the British Government pretended that, according to the rule which that Government had adopted in the year 1756, neutral vessels were liable to capture if they were engaged in carrying on a trade from the colonies directly to the mother country, and from the mother country directly to the colonies. In other words, that a trade not allowed in peace could not be prosecuted during war. This declaration was made in direct contravention to the practices of that Government, which never fails to relax the rigor of the navigation acts during war, to procure through neutrals from the enemies' country articles necessary for their manufactories. This conduct of the British Government caused the capture and condemnation of many American vessels and cargoes. The Government of the United States protested against this procedure; negotiations were resorted to, explanations took place, and the British Government at last conceded that the right belonged to the United States, as a neutral Power, to import into the United States the produce of enemies' colonies, and to re-export the same to the mother country, and also to import into the United States the manufactures of the mother country—and to re-export the same to the colonies. This trade was lucrative, it gave activity to commerce, and immense profits to the American merchants. They supplied the most wealthy nations of the Continent of Europe with the productions of the West India islands and South America, and also with the costly manufactures of the East Indies.

The colonies of France and Spain were supplied with whatever they required by the merchants of the United States. The British Government did not foresee the effect this concession to justice and neutral enterprise would produce. The moment it discovered the great advantages arising from the concession, then its jealous and selfish policy became alarmed. As a rival, this nation is treated and dreaded. If opportunities do not spontaneously occur, they are artificially produced, to justify acts with no other object in view, but to contract or to circumscribe within the narrowest compass the commerce of the United States. To do away all advantages accruing to the United States from the concessions alluded

to, the British Government, fruitful in devices, but not always successful in concealing the injustice they are designed to sanction, pretended that the trade from the United States in the productions of enemies' colonies, could not be considered in any other light, than a direct voyage (making a deviation to save appearances) from the enemies' colonies to the United States, and from thence to the mother country. This change of policy, unworthy of an honest and enlightened Government, was made in violation of the concession already mentioned, and which had been officially notified to Mr. King, our Minister at the Court of London, as a concession made with deliberation by the British Government. When the British cabinet altered its views, in respect to neutral trade, the merchants of the United States had afloat on the ocean merchandise to an immense amount. This property, in pursuance of British orders, was captured by British cruisers and condemned by British courts of admiralty. The Berlin decree of November 1806, was issued to retaliate on the British Government, for the blockade which that Government had ordered of all the coast and ports from the river Elbe to Brest inclusive, in the early part of the year 1806. The British Order in Council of November, 1806, was issued in retaliation for the Berlin decree, and the Milan decree of the 21st of December, 1807, was issued in retaliation for the Orders in Council.

These orders and decres put on neutral commerce a seal; the execution of them proved fatal to the American trade. Is trade, foreign trade, at a stand? Does a gloomy stillness prevail in our cities? Is the merchant disconsolate? If these misfortunes have fallen to our lot, the sources of them are to be found in the atrocious policy of the belligerent Powers towards neutral nations, particularly towards the United States of America. In the acts of foreign Governments just enumerated, are to be found the instruments for torturing commerce—instruments which have pierced it to its vitals. I ask, with what region of the earth can trade be prosecuted with any prospect of success, or to any advantage? I boldly assert, for years past, with no nation on the globe.

We cannot, sir, justly appreciate the lot of this nation but by comparing it with that which has fallen to other nations. If an Atheist, who ascribes all things to the production of a blind fatality, were to take a view of the situation and condition of every State and Empire, and make a just estimate of the faculties and facilities of each, in administering to the happiness of man; on the one hand he would behold Asia and Africa, and Europe, and the countries subjected to the domination of Europe, afflicted with calamities and miseries seldom suffered, and never before surpassed; on the other he would behold the United States of America, though suffering severely from the war raging in Europe, under the auspices of a Government that consults better than any political institution ever known or extant, the happiness of man; agriculture flourishing—a country abounding in everything that can promote ease and comfort—manufactures springing up and furnishing articles which but the other day were imported solely from foreign countries—their capacity for furnishing supplies daily enlarging and extending; the raw materials essential to keep them in operation the products of the land, and new resources explored and constantly increasing the means of internal prosperity and national force and energy. These multiplied advantages, enjoyed by no nation but this, would strike his mind with force, and liberate it as by a charm from the contraction of prejudices and pre-conceived errors. Under the influence of new and enlightened impressions, he would abandon his creed of a blind fatality, and acknowledge that the beneficent providence of God presides over the destinies of this nation.

Oh fortunate people, if you but knew your happy lot!

The American Government, anxious to succor the suffering merchants, and instigated by them to obtain redress for the wrongs they had suffered and were suffering, commenced a system of restrictive measures on the commerce of Great Britain and France.

The history of the various restrictive measures adopted by Congress, and the manner in which their efficacy have been defeated, is too well known to require elucidation. Have the restrictive measures failed?

If they have, of the complete effect intended to be produced, let the opposition mashalled against them in the East answer for the consequences of their failure. Had one mind actuated the citizens of the United States, those measures would have insured to this nation peace, and the fruition of all the blessings flowing from it. The restrictive system failing, from the causes mentioned, war was resorted to with reluctance, as the last sad alternative; a state of things forced on the national Government from the want of union. The non-importation act, although it has had every disadvantage, every difficulty to encounter, has produced a sensation through the British Empire, never before felt. The merchants and manufacturers of Great Britain are in a condition less to be envied than that of any other people. To them the prospective is gloomy beyond conception. I will not go further into this subject. You, sir, (Mr. CLAY, the Speaker,) have, in a strain of impressive eloquence, shown the distresses of that nation. The evidence delivered to the House of Commons proves beyond doubt how much the merchants and manufacturers have suffered by its operation.

You have done ample justice to the subject. My humble aid is not required to sustain the character of the non-importation act, or the efficacy of that and other restrictive measures, when in you they have found an Atlas.

With you, sir, (Mr. CLAY, the Speaker,) I had the satisfaction of agreeing in opinion, as to the efficacy of the despised non-importation act, and also as to the necessity of continuing it in operation as a measure very injurious to the enemy. It is with no little regret that I find you opposed

at this time, to an embargo, principally for this reason, that an embargo would prevent the importation into the United States of specie from Great Britain, through Spain and Portugal. The manner in which you supported this position was ingenious and specious—the theory has elegance and symmetry, but I am apprehensive it will in no respect be found susceptible of execution.

Permit me to examine, to analyze the position; to explore the resources of the British Empire.

No objection is entertained against an embargo, but the prevention it would interpose to the importation of specie. You observed, that Great Britain would be compelled to maintain an army in the Peninsula, and that this object could no ways be effected but by purchasing provisions, with specie, of the Americans.

I entertain, with due deference, the opinion that Great Britain cannot furnish the specie. My reasons in support of this opinion are derived from the condition of that country. The resources of the British Empire depend on commerce. When trade flourished, the precious metals were drawn from a thousand sources, and were to be found there in great abundance; but the duration of the war, in which that Empire has been and is still engaged, has produced such a mutability in human affairs, so many revolutions in the actual and relative state of nations, in respect to each other, that commerce at this day has no activity, nor can it flourish and acquire the necessary momentum, while the belligerent Powers, disagreeing in everything, agree in the proscription of every principle on which the support of it depends. The commerce of the world is reduced almost to a mathematical point. The clamors and afflictive cries of British manufacturers and merchants are heard in this hemisphere. The precious metals, we are told, have nearly vanished from Great Britain; and the paper medium, the substitute for them, has depreciated so much, that a guinea is equal in value to one pound ten shillings in paper currency. Gloomy as things appear, the prospective is still worse. The commerce of the British Empire is rapidly sinking to the last point of depression.

The armament which was sent some years ago to the island of Walcheren, was designed to have been employed, if accounts be credited, at a distant point on the continent of Europe, to the north of Walcheren; but that object could not be effected for the want of specie, to furnish it with necessary supplies.

Since that expedition, the face of things has changed, greatly for the worse; nor is it within the ken of man to say when the adverse tide in human affairs will slack, will stop, and when again it will take a prosperous turn. This picture, sir, is not too highly colored—it exhibits a dreary prospect of getting money, for the wheat and flour of the United States, from Great Britain.

I will now, sir, for the sake of argument, admit that the British Government has the command of specie; and yet I will be so bold, in the very teeth of this admission, as to contend that the chance of getting it will be no better than it is at present. The British Government may permit the grain and flour of the United States to be imported into Spain and Portugal in American vessels; but it will never suffer them to export from those countries specie, during the existence of war. The only effect which this trade will produce, is to nurture discontent and disquietude. The merchants, instead of receiving specie, will be obliged to take bills on the Government of Great Britain. They must take bills or nothing. These bills are to be paid in Great Britain. The consequence will be that the merchants will have the amount of their cargoes locked up there, as the war interdicts all trade with the British Empire. The want of those funds, or the apprehension that they may lose them, by the happening of some inauspicious event, which is within the chances of a fair calculation, will produce much dissatisfaction against and opposition to the Government.

I cannot, with all the deliberation I have given to this subject, discern the wisdom of that policy which makes it the interest of men to obstruct the progress of the Government, while asserting and maintaining the national rights. Nor can I perceive the wealth to be derived from a trade to the Peninsula. On the contrary, it is in my opinion a losing trade. No return cargoes are received. The capital of this country is employed to supply the enemy. The merchant, from his own funds, or the money he obtains on loan from the banks, purchases provisions which are exported to Spain and Portugal, and which are sold for bills on the British Government. The money for these bills cannot be obtained, and the war prevents the purchase of British manufactures with the bills. In the manner in which this trade is carried on, the enemy may be said to obtain a beneficial credit from our merchants. This trade places the British Government, although the debtor, upon better ground than the American merchant, inasmuch as it has the power of confiscating the bills as enemies' property, if it chooses so to do. But, sir, all our hopes are visionary, if an expectation be indulged that American vessels will be employed in this intercourse. This trade will be carried on, not in American, but British bottoms, under cover of the Swedish, Spanish, and Portuguese flags. The navigation of Great Britain profits by this order of things. The war gives it security.

I will now take, if I may be allowed the expression, a birds-eye view of Spain and Portugal, and of the commercial harvest, if any, that can be gathered or gleaned in those regions. Spain is the theatre of a war, marked with all the characteristics of cruelty, and devastation, and ruin. The greatest disorder and confusion prevail in that country; the Government, if it has one, can boast of no energy; and no temptation whatever is held out to commercial enterprise. The revolution which is progressing in South America will terminate, and God grant it, in the independence of that country; the consequences are evident. The streams which, flowing from Peru-

vian and Mexican sources, have heretofore poured into the bosom of Spain golden treasures, are returning to their natural channels. The agriculture and commerce of those rich, extensive, and fertile regions, will acquire by this flow of things, in the course which nature herself ordains, renovated life, activity, and vigor.

The war has reduced Portugal to a condition equally deplorable with that of Spain. In herself, Portugal has no resources. To Brazil, Portugal looks in vain for succors. The Court of Brazil, destitute of the knowledge of political economy, and of method and sagacity in its fiscal operations, finds the resources of that country incommensurate to its wants. It would be a happy circumstance, if the misfortunes of the kingdom of Brazil originated in the want of enlightened policy in the Government; the hope and expectation of reformation in the abuses of the Government might prevent the despair and despondency of the nation. This consolation is not for them to indulge. On that ill-fated country, British influence and intrigue have shed their maledictions; the throne totters, and the spirit of disaffection and disorganization threatens its total subversion. Thus, sir, I have shown, after my manner, that the merchants of the United States cannot cherish even a hope of receiving specie, at the markets of Spain and Portugal, for the productions of this country, either from the Spaniards or Portuguese, or from the agents of the British Government. This commerce is therefore productive of no advantage. It is detrimental, inasmuch as it contributes greatly to the relief of the enemy.

It enables him to wage war with less expense, and renders his means of annoyance much greater than they would be with it. To increase, to double the expenditures of the British Government at this time, when its resources by the loss or circumscription of the trade of the British Empire have been greatly diminished, and are daily diminishing, would soon bring to a successful termination the war we are compelled to wage for national rights and privileges. From the present condition of trade, an embargo, in my opinion, could produce no injury to this country, but on the contrary would be the strongsst measure that Congress could adopt to give energy and effect to the war. The state of the British Empire is such as to make it a measure, in whatever light it may be viewed, well adapted to increase and multiply the difficulties and pressures which the enemy has to contend with. Foreign supples of grain are required for the support of a numerous population, and which necessary article can at this time be furnished by no other nation than this. To make this clear and evident, I beg leave to read a passage from a late English author of great celebrity. Malthus, on Population, makes the following pointed, impressive, and judicious observations:

"That we can readily turn ourselves from an importing to an exporting nation, in the article of corn, I would by no means pretend to say; but both theory and the experience of the first half of the last century warrant us in concluding it practicable, and we cannot but allow that it is worth the experiment, as the permanence of our national prosperity may depend upon it. If we proceed in our present course, let us but for a moment reflect on the probable consequences. We can hardly doubt that in the course of some years we shall draw from America and the nations bordering on the Baltic, as much as two millions of quarters of wheat, besides other corn, the support of above two millions of people. If, under these circumstances, any commercial discussion or other dispute, were to arise with these nations, with what a weight of power they would negotiate! Not the whole of the British navy could offer a more convincing argument than the simple threat of shutting all their ports. I am not unaware that in general we may securely depend upon people's not acting directly contrary to their interest. But this consideration, all powerful as it is, will sometimes yield voluntarily to national indignation, and is sometimes forced to yield to the resentment of a sovereign. It is of sufficient weight in practice when applied to manufactures; because a delay in their sale is not of such consequence, and from their smaller bulk they are easily smuggled. But, in in the case of corn, a delay of three or four months may produce the most complicated misery; and, from the great bulk of corn, it will generally be in the power of a sovereign to execute almost completely his resentful purpose. Small commercial States which depend nearly for the whole of their supplies on foreign Powers will always have many friends. They are not of sufficient consequence to excite any general indignation against them, and if they cannot be supplied from one quarter, they will from another. But, this is by no means the case with such a country as Great Britain, whose commercial ambition is peculiarly calculated to excite a general jealousy, and, in fact, has excited it to a very great degree.

"If our commerce continue increasing for a few years, and our commercial population with it, we shall be laid so bare to the shafts of fortune that nothing but a miracle can save us from being struck. The periodical return of such seasons of dearth, as those which we have of late experienced, I consider as absolutely certain, upon our present importing system; but, excluding from the question at present the dreadful distress that they occasion, which, however, no man of humanity can long banish from his mind, I would ask, if it is politic, merely with a view to our national greatness, to render ourselves thus dependent upon others for our support, and put it in the power of a combination against us, to diminish our population two millions."

These observations, enforced as they are by weighty and strong reasons, render it unnecessary for me to make a single comment. They are replete with good sense; they are the result of deep reflection. Who will venture to say that the time for that verification and fulfilment has not arrived? If a peace, speedy and honorable to this nation, be an object of desirable attainment, it cannot, I will boldly assert, be obtained but by a vigorous prosecution of the war. The whole strength of the nation should be put forth. It is the wisest policy so to act. It will not only prevent the effusion of much blood, but it will be found to comport best with a regard to economy, in the expenditure of the public treasure. No

measure within the compass of Congressional powers, if my judgment be correct, and it is supported by able authority, is so likely to give the requisite vigor to the war, and thereby bring it to a happy termination, as that of an embargo. I have deemed it proper, in justice to myself, to make these observations. I have not taken this stand, I trust, for reasons light and trivial. I could enlarge on this subject, but I will not trespass longer on your patience and politeness. I may err; I am sensible of my frailties and weakness; but, in sustaining this opinion, I am persuaded you will allow me the credit of acting in obedience to my conviction and sober judgment.

Mr. Brigham said: Mr. Speaker, the subject of the merchants' bonds, now under consideration, is of serious consequence, and has been ably discussed. It is a question of great magnitude, and involves the rights and the interests of a respectable and intelligent class of our fellow-citizens, who have as much reputation for their industry and integrity as any other class in the community.

But the honorable Committee of Ways and Means have reported to the House that it is inexpedient to legislate on the subject, and that it should be referred to the Secretary of the Treasury.

Sir, this is a subject of too much importance to be submitted to the decision of any one individual. The question is now before the proper tribunal, and it is incumbent on this House to decide; we have a duty to perform, and I hope that the House will have the satisfaction resulting from a conscientious discharge of it.

Mr. B. said that the chief duty and cause of all Governments was to protect the rights of property; that personal security was the prime inducement for men to institute civil Government; that our Constitution provides expressly for the protection of person and property, and we are sworn to support the Constitution; and, in his opinion, the House were as much bound, and by as high solemnity, to decide in this case, and to decide correctly, as ever a jury of the country, in a court of law, were holden to do justice between party and party.

Mr. B. said that he had heard no satisfactory reason offered, why this House should avoid this question and throw the responsibility on the Secretary of the Treasury. Could he better distinguish between right and wrong; between justice and injustice, than this House? It will not be admitted.

Sir, said Mr. B., we are the confidents of our constituents, and we ought to protect them in their rights, and to convince them by our acts of justice toward them, that we are worthy of their confidence; and make it manifest to the world that we are really and practically, what we are nominally, an intelligent, a just, and a deliberate body; a terror only to evil-doers; and that we punish none but the guilty, and those who deserve it.

Sir, this is a question of property. The real question is, whether the goods, that are bonded, are the property of the Government or the property of those individual merchants, by whose labor and enterprise and at whose expense they were imported?

Sir, the Government claim this property under the operation of the non-importation law, and their claim can arise on no other ground; and, to make out their case, they allege that the importers of these goods have violated this law, and forfeited the property into the hands of the Government; and we are to say whether they are guilty or not guilty. Before we decide on this question, let us examine into the transaction and into the authority under which the merchants believed they were acting, and also into the provisions and character of the non-importation law.

Mr. B. said the non-importation law was introduced and enforced as a retaliatory measure, to retaliate on the British Government for her obnoxious Orders in Council, and was intended to be coextensive with those orders, and when those orders ceased to operate, the demands of these laws were satisfied, and no longer to be in force. This appears from the special provision which was made, authorizing the President, on the event of the revocation of the Orders in Council, to issue his proclamation declaring the fact, and to set aside the operation of the law.

Mr. B. said that he had supposed it was the duty of the President, on receiving official information of the revocation of the Orders in Council, to have issued his proclamation, and to have exercised the power vested in him without delay. The merchants considered the power delegated to the President, as a pledge of the repeal of the non-importation law, whenever those Orders in Council should be revoked; and they justly supposed that they might with safety ship their goods.

Sir, said Mr. B., this is not all; these merchants have other public record evidence that this law would be repealed on the revocation of those orders. The Secretary of State, July 20, 1811, in his correspondence of that date with Mr. Foster, the British Minister, states expressly, "that it was 'in the power of the British Government, by one 'single act of justice, to enable the President of 'the United States to set aside the operation of 'the non-importation law;" and he told Mr. Foster what this act of justice was, namely, that if the British Government would cease to violate our neutral rights, by revoking her Orders in Council, the President alone had the power; and the Secretary of State said, that he was instructed to inform him that the President would exercise this power without delay, and terminate the non-importation law.

Sir, under these circumstances and with this information, the merchants had a right, on the revocation of the Orders in Council, to believe that they should be safe and justified in shipping their goods from an enemy's country to their own. They were scrupulous and careful not to resist the laws of their Government, and gave no direction to have their goods shipped until those Orders in Council should be revoked, and when

they were revoked, they consulted Mr. Russell, our Chargé des Affaires at the Court of Great Britain, who gave them his opinion that it would be safe for them to ship their goods, that no penalties could be demanded under the non-importation law; indeed, he advised them to ship their goods, and carry their property home; and now, shall they be punished for it? What else would they have done, unless they had abandoned their property and left it in the hands of the enemy? There can be nothing wrong in the importers' shipping their goods from an enemy's country.

Mr. B. said that there was no fraud or blame attached to the merchants for shipping their goods; that it was their duty, a duty which they owed to themselves and to their country. He could not understand how the petitioners were guilty of any offence, nor chargeable with anything, but giving their confidence to the Government; to the highest authority of the nation; and certainly that could be no crime, and we should not inflict the penalties of poverty on the innocent. The want of money can give us no claim to this property. The high-sounding sum of twenty millions of dollars may increase the inclination to get it, but never can increase our right to take it.

Mr. B. said, he hoped that the House, on this important question, would be governed by a magnanimous and just policy, cancel the merchants' bonds, gain respectability to themselves, and afford comfort and protection to the petitioners.

Mr. QUINCY said, that in listening to the debate, what had impressed his mind the most forcibly was the simplicity of the question. He was less surprised at the arguments which were urged, than that any argument was necessary. A mere statement of the case, he should have thought would have settled the question. Twenty millions of dollars were said to be forfeited to the United States;—an amount equal to one-third of the whole national debt. This sum was alleged to be due, from comparatively a small class of men, in particular sections of the country, in the cities and on the seaboard. It was distributed among the individuals of that class, in various proportions. To every one of them, the amount demanded is material. The greater part of the fortunes of some, is at stake. To others it is a simple question of prosperity or ruin. The principles arising out of the case, and connected with a decision, are in their nature so complicated and delicate, that scarcely two men can be found on the floor of Congress who can agree by what scale remission shall be graduated, if remitted at all. A case of this magnitude, so important to the public, so critical to the individuals, so dubious in point of principle, and so consequential in sectional alarm and interest, it is seriously contended should be referred to the decision of a single individual—that one man should be invested with the power to decide the fates of multitudes of his fellow-citizens, and decree riches or property; not by any known rule or standard, but according to his absolute will and discretion! Such is the power seriously contended for, in a country calling itself free, by men who pretend to understand the nature of civil liberty, and to venerate its principles.

Mr. Q. said, that the nature of the proposition was not more astonishing, than the main reason urged in its support. And this was, that the Secretary of the Treasury possessed this power already; that the law now placed it in his hands. As if the greatness of a power, and its exceeding the trust which any man ought to possess, and its irreconcilableness with the settled principles on which public safety in a free country depends, were not conclusive, either that no such power ever was invested, or that the possessor ought to be deprived of it.

Mr. Q. then proceeded to investigate the general powers vested in the Secretary of the Treasury, for the mitigation, or remission of fines, penalties and forfeitures. He contended that no such power was invested in the Head of that Department, as the Secretary had asserted in his letter to the Committee of Ways and Means. In this letter, the Secretary asserts that—"the 'power to remit the share of the United States, 'and of all other persons, in whole or in part, 'and on such terms and conditions as may be 'deemed reasonable and just, is by law vested in 'the Secretary of the Treasury." Mr. Q. said, that this was nothing less than the assertion of an absolute discretion in relation to the subject-matter. A discretion without limit or principle, or measure of control, or rule of decision, except the sovereign will and pleasure of the individual possessing it. For he, who can do in relation to any matter or thing, in the whole or in the part, and fix such terms and conditions as he may deem reasonable and just, has as absolute an authority, in that matter or thing, as heart can desire. And if by any general law such power be invested in any person whatsoever, we have not much to boast, in this respect, either of the wisdom or of the freedom of our laws.

The question then is, whether this power, thus asserted to exist in himself, by the Secretary of the Treasury, be vested in him by law. Mr. Q. said that he confessed, that on the first reading of the statute, being under the influence of the opinion thus unequivocally expressed by the Secretary, and not at once perceiving how the terms of law had been wrested to the purposes of official construction, he yielded a momentary and reluctant assent to the claim of the Secretary. Recollecting, however, what a fascinating thing absolute power is, and how little implicit faith any man has a right to claim, in a case where the degree of his power is dependent upon his own construction; recollecting, also, the character of the men, who, in the year 1797, when the law in question was passed, had the reins of power, he began to doubt of the construction, and set himself carefully to investigate on what grounds this arbitrary discretion, thus obtrusively asserted by the Secretary as existing in himself, was founded. He said, that the men who, at the time when the law in question was passed, presided over the construction of our laws, were not only learned

and able men, and true lovers of their country, but they were men, also, deeply vested in the principles of civil liberty; they were natives of the soil, and had been educated in the arbitrary doctrines of the civil law, but had drank in the essential principles of the ancient Saxon common law, as it were with their mothers' milk. Such men were not likely to grant so enormous a power, by any general terms, even in an unguarded moment. For had reason failed them in a case of this nature, instinct would have come to their aid. He determined, therefore, to investigate this question, aloof from the prejudices which the assertion of the Secretary of the Treasury and the corroborative opinion of the Committee of Ways and Means had created, and set himself to examine what were those essential principles of civil liberty, which lay as it were, at the base of all statutes of this kind, and which were, in their nature, so predominant and inherent, that no friend of freedom could possibly forget them, when framing such a statute.

Mr. Q. said, that on turning this subject in his mind, he had found two principles of the nature which he sought. The first was, that the innocent should never be confounded with the guilty. Of consequence, that the law must have been intended to be so constructed as that, as far as possible, the former should always escape, and the latter should always be punished. The second was, that the object of the penalty was only the enforcement of the provisions of the law. Of consequence, that when this object was attained, there ought to be an end of the penalty which was ever to be considered as the sanction, or vindicatory branch of the law, and never be perverted to the purposes of the ways and means of the Treasury. When the terms of the statute under consideration, were considered in reference to these principles, all doubts as to its true construction vanished. The character of the framers of the law was vindicated. No such power as that asserted by the Secretary of the Treasury, in relation to the subject of the penalties, was vested in him. On the contrary, the real grant of power was precise, limited, and perfectly consistent with the principles of civil liberty.

The law contained two clauses, which comprehended all the powers relative to this subject vested in the Secretary of the Treasury. The words are these: After prescribing the modes by which testimony concerning the circumstances of the case shall be collected and transmitted to the Secretary of the Treasury, the statute proceeds: "Who shall, thereupon, have power to 'mitigate, or remit such fine, forfeiture, or pen-'alty, or remove such disability, or any part 'thereof, if, in his opinion, the same shall have 'been incurred without wilful negligence, or any 'intention of fraud in the person or persons in-'curring the same; and to direct the prosecution, 'if any shall have been instituted for the recov-'ery thereof, to cease and be discontinued, upon 'such terms or conditions, as he may deem rea-'sonable and just."

From these clauses in the statute, if from any, the Secretary of the Treasury derives that unlimited discretion, which he asserts, in his report to the Committee of Ways and Means, to be vested in his department. Now, these clauses are distinct and substantive, having relation to two objects, also distinct and substantive. The first clause relates to the penalty incurred. The second to the prosecution commenced.

As to the first clause, relative to the penalty, fine, or forfeiture incurred, so far from vesting an unlimited discretionary power, it vests, strictly speaking, no discretion whatever. It is, in truth, a power to mitigate, remit, or remove, according to a stated and specified statute standard. This authority is to exercise his judgment, upon the circumstances of the case, touching the existence or non-existence of either of two particulars stated in the statute—wilful negligence, or fraud. If neither exist, he has the power to remit. If either exist, but in a partial degree, he has the power to graduate the penalty, fine or forfeiture, to the degree of guilt. And this is his whole power resulting from this clause. The head of the Treasury is a mere tribunal to decide whether the statute guilt has been incurred, or any part of it, and, according to that judgment, to graduate the fine, penalty, or forfeiture. If there be no guilt, his power of mitigation, that is, of graduation, is at an end. In such case it cannot be exercised. The single authority he has, is to remit altogether. He has no more right to talk of "profits," or "extra profits" or "equivalents," or to intimate boons or "loans," as the grounds of remission, than he has to decree the whole penalty into his own pocket for his private use. The plain purpose of the law is, that guilt should suffer, and that innocence should escape. And by guilt and innocence, is only meant statute guilt, or statute innocence. Whatever is either wilful negligence or fraud, is statute guilt. Whatever is neither one nor the other, is innocence. It is easy to see how perfectly reconcileable this is to the established principles of civil liberty. Instead of a sharp-scented statesman, invested with powers to hunt among fines, penalties, and forfeitures, for the ways and means of the Treasury, we find only a benignant and wisely constituted tribunal, with power to judge upon the circumstances of the case, how far any statute guilt has been incurred, and to graduate suffering, according to the degree which shall appear.

As to the second clause, relative to the prosecution commenced, there is, indeed, a discretion invested in the head of the Treasury; but it is a discretion extremely limited in its nature, arising out of the necessity of the case, extending only to very subordinate considerations, and in exercise of which there is little or no temptation to abuse. It relates only to the terms and conditions on which he may direct the prosecution to cease. These he is permitted to fix "as he may deem reasonable and just." That such a power is necessary is obvious, because, although the innocent has a right to be free from the imputation and penalty of guilt, yet the costs and expenses which have been incurred is a loss, which must fall

somewhere. The nature of things has thrown it upon him, and no principle of justice can transfer it to another. But the discretionary power here given is, in the nature of things, extremely limited, and extends only to those particulars, which are incident to the prosecution, to costs, expenses, and sometimes compensation to custom-house officers for services rendered, either in their seizure, or in the care of the property. It is obvious, also, that in exercising such a discretion the danger of abuse is limited, not only from the circumscribed nature of the sphere, but from the circumstances in which it is exercised. He has no official inducement to abuse his power. The particulars which are incident to a prosecution are distinct, notorious, and easily to be ascertained; and as to compensation due to the custom-house officer, the Secretary having, by no possibility, any interest, personal or official, in the decision, may safely be entrusted with it; and ought to be, out of regard to the indemnification of the officer. Here, again, there is no interference with the established principles of civil liberty. The question relative to the causing the prosecution to cease, has no connexion with guilt or innocence. It is merely ascertaining the inevitable loss, which he must bear, on whom the bolt of Heaven has fallen. If a compensation is decreed, it is for the custom-house officer, and not the Treasury. It is decreed not as a part of the penalty, for this is incurred only in consequence of guilt, which is in his case out of the question; but is decreed only as part of that inevitable loss, which some one must bear, and of course he on whom the lot is cast.

When the statute is considered, it will easily be seen what are the means by which the Secretary of the Treasury grasps at this unlimited and arbitrary discretion, which he asserts in his letter to the committee. It is by confounding what is distinct, and associating what are separate. By a sort of Treasury amalgam, he consolidates both clauses of the statute into one, and attaches the power of annexing "terms and conditions which he shall deem reasonable and just," to the clause which has relation to the penalty, instead of restricting it to the clause which has relation to the prosecution. This may be a very happy construction for the Treasury, but it is a very ruinous one for the citizen. At least so it is likely to prove, judging by the proposition now under consideration.

If any one asks why these powers are to be construed as though distinct and substantive, instead of amalgamated and consolidated, I answer, on four plain and solid grounds: The terms of the law—the policy of the law—the nature of the thing—and the established principles of civil liberty.

The terms of the law are select and appropriate. Those connected with the remission or mitigation, in whole or in part, not only give the power, but limit the exercise of it, by an express statute standard: He is to do the one or the other, according to the non-existence, or the degree of existence, of "wilful negligence, or intention of fraud." Those connected with the causing the prosecution to cease, are equally precise. The power of annexing terms and conditions, such as he may deem reasonable and just, relates to that object, (the causing of the prosecution to cease,) and nothing else.

The policy of the law is not less corroborative of this construction. It is a remedial statute—as such, it must be construed liberally. Its policy is, to suffer all the innocent, and none of the guilty, to escape. For this purpose, it has set up a statute standard, by which the Secretary is to decide who is innocent, and the degree of innocence, and graduate the penalty accordingly. Therefore it is, that the power of affixing conditions is not annexed by the terms of the law to the power of mitigating and remitting. To the degree of statute guilt which a man has incurred, the Secretary is morally bound to punish. But when of this degree there is none, he is then morally bound to acquit. Of "terms and conditions" here, there is no use. For guilt must be punished according to its degree, and innocence must escape. Now the law permits no "terms or conditions" to be made with the innocent; no "equivalent" is asked for not confounding them with the guilty. It is the policy, it is the delight of the law, that they should go free and unspotted, according to their innate purity.

The nature of the thing shows also that the power of annexing such "terms and conditions as he may deem reasonable and just," exclusively belongs to the power of causing the prosecution to cease. For, from the nature of the thing, the question concerning causing the prosecution to cease, is subordinate, in point of importance, and secondary in point of time, to the question concerning mitigating or remitting the penalty. For, whether the decision of the Secretary be, guilty of a part, or not guilty at all, the Secretary's power is in the same state. The degree of guilt or innocence is ascertained. The penalty is remitted, or graduated. The only remaining prerogative of the Secretary relates to the prosecution. Here he possesses the discretion before noticed. But it is a power which, from the nature of the thing, cannot retroact, and bring again innocence or guilt into view. That is already settled, at least in principle, and must be, before the question concerning the prosecution can be agitated.

But there is a stronger argument than all these, resulting from the established principles of civil liberty. What is the nature of that proud consciousness, which freemen feel and delight to acknowledge; and of what stuff is it composed? What is it, but the certainty, with which each individual is inspired, that he holds life, liberty, and property, subject only to known laws, and aloof from the will of any individual? So long as he is innocent, he has no compromise to make, no equivalent to offer, no truckling to assume. He, on whom any fine, penalty, or forfeiture of the collection law has fallen, by any mischance

or by the act of God, has as much right to possess this consciousness as the proudest mortal of us all. He stands before the tribunal of the Secretary, not to chaffer for a pardon. He is innocent. If there be any portion of the statute guilt, graduate the punishment; but if there be none, cruel, wicked, despotic is that construction, which obliges him to compound for his escape, from a statute framed only to punish guilt; to pay "profits;" to make "forced loans;" to promise "equivalents!" For what? Why, truly that, though innocent, he should not partake the fate of guilt.

When I speak of innocence and guilt, I mean always statute innocence, or statute guilt. I have nothing to do with the money dreams of the Secretary of the Treasury, nor with the day dreams of the gentleman from Tennessee, (Mr. GRUNDY.) He did not pretend, no man has pretended, no man can pretend, that there was any intention of fraud, or any wilful negligence in the merchants, whose case is now before the House. But he told us at one time, that their crime consisted "in purchasing in Great Britain;" at another, that it consisted "in not cooperating with the policy of the American Government." Grant, for argument sake, all the guilt these charges include: Is that wilful negligence, or intention of fraud? Free of this, are they not innocent? Innocent, are they not entitled to entire remission?

This construction, for which I contend, I think I can safely state, is conformable to the practice of the Treasury, antecedent to the accession of the present Secretary. At least so it appears from the book of abstracts of the Treasury, entirely to my satisfaction. Yet, upon this point, I would not be considered as expressing myself with absolute certainty, as I have not had an opportunity to examine the original records of the cases, nor yet to converse with the Secretary of the Treasury, although I have been twice at his office for that purpose. The abstracts of the Treasury, antecedent to that period, do not indicate anything like a compromise with innocence, for the sake of profit to the Treasury. The judgments stated are, "remission," or "mitigation," on payment of fees, or duties on costs, and sometimes of a sum certain; fifty or an hundred dollars to the revenue officers or to parties, other than the United States. Although I do not conceive the former practice of the Treasury very material on the point, yet it is some satisfaction to state, that the early decisions to which I allude seem to be guided by this principle: that the Treasury should never gain anything from fine, penalty, or forfeiture, except in case of guilt. The first case I could find, although there may have been others antecedent, was that of Robert Gillespie, in June, 1802. It was the case of an importation of porter in casks, of less capacity than those required by law. The judgment of the Secretary of the Treasury was: no wilful negligence or fraud—claim of the United States released on payment of costs and one-fourth net proceeds.

Another case was, that of Theodoric Armistead, decided in February, 1812. Brandy had been imported in casks of less capacity than required by law. The judgment of the Secretary of the Treasury was: No wilful negligence or fraud—claim of the United States released on payment of costs and charges, and two cents per gallon for the United States. And this levy is expressly stated to be in addition to the duty established by law. Why, Mr. Speaker, what a principle is this? A Secretary of the Treasury declares, in so many words, that the guilt specified in the statute, to which the penalty is annexed, does not exist, yet mulcts the individual at his discretion, as the condition on which innocence is not made subject to the penalty! If the Secretary of the Treasury can lay a tax of "two cents per gallon," why not of twenty; if he can take "one-fourth of the proceeds," according to his arbitrary will, why not the half, or the whole? In these cases what has become of that essential principle of civil liberty, that innocence and guilt shall never be confounded? Both Gillespie and Armistead, though clear by the statute, have gone away from the legal tribunal taxed by the Secretary. I dare say it will be said, they were both satisfied. Doubtless, sir, the Secretary had resolved himself into an arbitrary tribunal; and what private individual dare question the opinion of the Secretary? But it is the business of the Legislature to consider subjects in their principles and consequences, and not by the convenience of this or that individual. The importance of withstanding the beginnings of oppressive encroachments could never better be illustrated than by the instances before us. These, and cases like these, were the nest eggs of the Treasury; and now we see what a monstrous brood is likely to be produced. The Secretary has gone on year after year, exercising an arbitrary discretion in cases of small amount, and affecting individuals only, till at least he starts up a gigantic power, authorized to carve what he pleases out of twenty millions of dollars, and to settle the destinies of a whole class of citizens! If doctrines and constructions like these, are to receive the sanction of this Legislature, come Bonaparte as soon as thou wilt and thou shalt find Cabinet principles suited to all thy purposes.

I have hitherto considered the case of the merchants' bonds, as though it were strictly within the principle of the collection laws. And the bearing of my argument has been this: that if no such power, as is asserted by the Secretary, is truly vested in him, in the cases of the ordinary revenue, that much less ought he be permitted to exercise this most dangerous power, in cases of so much magnitude; and in all respects so critical, as are those under consideration. But is it true that the fines, penalties, and forfeitures, accruing under the restrictive system, have no other claims for relief, than those general ones, which arise under the collection laws? Alas! sir. The nature of these laws are such, as to make those claims far higher and more impressive.

I shall touch this subject of the restrictive sys-

tem, with as much delicacy as possible. I wish not to offend any prejudices. I know that the zeal and ardent affection, which some gentlemen show for this restrictive system, very much resemble the loves of those, who, according to ancient legends, had taken philtres and love powders. The ecstacy of desire is just in proportion to the deformity of the object. I shall not, however, meddle with that topic, any further than it is connected with the subject before the House.

A great deal is said about the policy of the restrictive system, and the necessity of a rigorous enforcement of it. Now, it appears to me that the desire to make this system effectual ought to induce the release of these bonds, and not their enforcement. The object of the restrictive system is averred to be, to produce a change in the measures of the British cabinet, by the suffering which the loss of our commerce occasions to her citizens. If this be the policy, then those measures are, beyond all question, the best calculated to insure its success, whose tendency is to diminish the suffering, as far as possible, of the citizens of your own country. The best chance for success must necessarily be, by convincing the thinking part of the community in Great Britain, that, while they suffer much, we suffer little or nothing. Were such the case, then indeed the system might have some hope of a prosperous result. But, when suffering there is found to be attended with suffering here, then the whole potency of the restrictive system results in this question—which can suffer the most, or which can bear suffering the best? And what judgment will the people of that country be likely to form in relation to the degree this people suffer, or their capacity to endure, when a sweep of twenty millions of dollars is seriously advocated by some, and when a majority seem inclined to turn the penalties of the restrictive system, not into a means of punishment of fraudulent or wilful violations, but into an instrument of ways and means of the Treasury? Does it need any ghost from the dead, or seer from the skies, to tell the people of Great Britain, that, in a free country, such a system of oppression must be short-lived, and that its supporters must soon become detested? So, that, if the policy of the system be consulted, it requires that its rigor should be softened as it respects your own citizens.

But, are there not other considerations materially distinguishing the character of the restrictive system from that of your collection laws, and requiring a corresponding mildness in the construction of the laws relative to the former, which the latter cannot claim? Concerning the Constitutional power of the National Legislature to pass the laws of collection, there never was any question; but, concerning its power, under the Constitution, to pass such a body of laws as those which compose the restrictive system, there always has been, there is, and ever will be, a question. A very great majority in all the commercial States always have denied that the power of regulating commerce included the power of annihilating it altogether. They believe nothing in the project, and they believe as little in your right to convert their only means of prosperity to the purposes of hostility. They ever will deny that any power is vested in this or any other body of men, to bring down direct and certain ruin on the whole commercial section of the country, under pretence of producing an indirect and uncertain pressure upon a foreign nation. Surely this is a reason for a mild exercise of the power arising under these restrictive laws. If a right be dubious, the exercise of it ought not to be made more obnoxious by oppression.

Not only the authority is dubious, but the provisions of the law outrage every received notion of Legislative prudence and foresight. They "out-Herod Herod." In six years, Congress have passed twenty laws, creating at least one hundred new offences! These offences are constituted of acts, previously not only innocent, but laudable; not only laudable, but they were the most common and necessary acts of whole sections of country, and whole classes of men. These new offences subject the offenders to the most grievous penalties, fines, and forfeitures, known to the revenue laws; and are involved in such a complexity of enactments, re-enactments, provisions, proclamations, whole revocations, and half revocations, that no man under heaven can tell when he is safe, or how or where to steer his course, without being meshed in the web spread for him by your statutes. Some idea may be had of the degree of oppression added to these penal laws by the restrictive system, from comparing the applications for remission, antecedent to the commencement of that system, with those subsequent to it. Antecedent to the 19th of April, 1806, when your restrictive system commenced, all the applications for remission, in the fifteen previous years, amounted to somewhat short of thirteen hundred. In the six years the restrictive system has been in operation, there have been nine hundred and fifty-four; and if to these be added those known at the Department, and not yet acted upon, the whole number exceeds one thousand. So that the annual average of applications for remission since the restrictive system is double the annual average of applications antecedent to that period. In other words, you have doubled the number of the snares of the law, and the cries of its victims are heard in a double proportion. Do you think, that when the web of the law is thus extended, beyond all reason and precedent, that you can strain its penalties to the extremest rigor of the statute, without public sentiment revolting against you? Is it in human nature to see its fellow struggling, innocently, in the toils of unnatural laws, without coming to its aid, and taking vengeance on its persecutors?

I know it will be said, that it is not proposed to confiscate the whole, but only a part. In other words, you will take not all that you want, but all that you dare. To this, I reply, you have no right to a single dollar—not to a cent. The merchants are free of all legal taint—they are free from all statute guilt. There is in the case neither "wilful negligence nor fraud"—the Secretary of

the Treasury does not pretend either—but this is his situation, and this is the secret of his application to Congress, for their sanction to his exercise of this great discretionary power. Confiscate the whole of this immense amount!—ruin hundreds and thousands, on account of a breach of the letter of a penal statute! He dare not. Mitigate upon any principle which would aid the Treasury in its necessities! He could not. He therefore transfers the whole matter to the broad shoulders of the Legislature; talks about "the magnitude and unforeseen nature of the case;" asserts, roundly, an unlimited discretion existing in his Department; tells of "profits and extra profits" made by the merchants: of the "tax levied" by them on the community; and sums up the whole matter with a hint that "it was thought proper not to 'exercise his authority until Congress had taken 'the subject into consideration, and prescribed, if 'they thought proper, the course to be pursued." Well, sir, and what do we witness now that the subject is before Congress? Why, we see every friend of the Secretary—every man who is supposed to be in his particular confidence—advocating that Congress "should think proper to prescribe no course whatever to be pursued," but refer the whole to the absolute discretion of the Secretary. Can any man witness all this, and not understand the meaning? To my ear, it is as plain as though he uttered it in so many words on this floor. "The poverty of the Treasury, and not my will, consents. If Congress will take the odium and the risk, I will take the knife and the flesh; and I will cut where and just as much as you shall authorize."

I shall not be able to speak upon this subject, I fear, without offending the nice sensibilities of some gentlemen in the House. Of late, an opinion seems to be gaining ground upon this floor, that a member cannot denominate a doctrine or principle to be base or wicked, without attributing those qualities to those who may have happened to advocate such doctrine or principle; and this, too, notwithstanding he expressly declares that he has no intention of applying attributes to such persons, or even intimating that their views are the same with his own upon the subject. I protest, sir, against such a restriction on the rights of debate, as totally inconsistent with the necessary freedom of public investigation. It is not only the right, but it is the duty, of every man, to whose moral perception anything proposed or asserted seems base or wicked, to brand such proposition or assertion with its appropriate epithet. He owes this duty not only to the public, but to the individual who has been unfortunate or mistaken enough to advocate such an opinion, or make such assertion. And, provided he does this, as the state of his own perception on the subject, and without attributing motives or similar perceptions of the thing to others, not only there is no reasonable ground of offence, but, on the contrary, such a course is the only one reconcilable with duty. How else shall the misguided or mistaken be roused from their moral lethargy or blindness, to a sense of the real condition or nature of things? What mortal has an intellect so clear, as not sometimes to have his view of things doubtful or obscure? Whose moral standard is so fixed and perfect, as that it never fails him at the moment of need? If, after these explanations, any person takes an exception at the statement of my perceptions on this subject, and any hot humor should fly out into vapor upon the occasion, it has its liberty. I shall regard it no more than "the snapping of a chestnut in a farmer's fire."

I say, then, Mr. Speaker, that, to my view—let it be understood, sir, I do not assert that it is even the true view, much less, that it is the view of any gentleman who advocates an opposite doctrine—I say, that, to my view, and for my single self, I would as soon be concerned in a highway robbery, as in this Treasury attempt. Sir, I think a highway robbery a little higher in point of courage, and a little less in point of iniquity. In point of courage, there is obviously no comparison; in point of the quality of the moral purpose, the robber who puts his pistol to your breast, only uses his power to get your property—he attacks nothing but your person—but, in this Treasury attempt, the reputation of the victim is to be attacked, to make an apology for confiscating his property. Guilt is alleged—guilt, of which he is clear by the terms of the law—for the purpose of making him (though innocent) compound, for escaping the penalty. What is this, but making calumny the basis of plunder?

But, this is not the view of a solitary individual; I have letters on this subject from men—not merchants, nor, as I am apprized, particularly connected with the mercantile class—whose language is perfectly similar to that I have expressed. Indeed, sir, some exceed even these expressions, in bitterness and indignation. Men look very differently at a question of this kind, when they are removed a thousand miles from the sufferers, and see the principle through the fascinating medium of Treasury relief, than when they stand by the side of the victims, and see distress and ruin entailed upon innocence; or—what in a moral view is worse—witness innocence compelled to compound for mercy, as though it were guilt!

I have been told, sir, that this state of opinion ought to be concealed—that it was calculated to offend. I have been also told, that we, on this side of the House, ought not to take any part in this debate—that a party current would be made to set upon the question—and this, to the merchants, was inevitable ruin. To all this, I have but one answer: My sense of duty allows no compromise on this occasion, nor any concealment. I stand not on this floor as a commercial agent, huckstering for a bargain. As one of the Representatives of the people of Massachusetts, I maintain the rights of these men, not because they are merchants, but because they are citizens. The standard by which their rights are proposed to be measured, may be made the common standard for us all. There will soon be no safety for any man, if fines, penalties, and forfeitures, be once established as the ways and means of the Treasury.

If I could wish that evil might be done, that

good might result, I should hope that you would confiscate the property of these merchants. If such a disposition really prevails in the National Legislature towards this class of men, it is desirable that it should be known. Act out your whole character—show the temper which is in you—the sooner will the people of the commercial States understand what they owe to themselves, and to their section of country, when there is no longer any veil over the purposes of the Cabinet and its supporters.

But, it will be asked, what will become, in the meantime, of the individuals whose fortunes are at stake? Trembling for the prospects of themselves and their families, they stand, like thrice-knouted Russians, before the Treasury Czar and Autocrat! I say, sir, let them be true to themselves, and be true to their class, and true to their country, and they have nothing to fear. Let them remember, that it is under the pretexts of law that tyranny makes its advances. It bribes the avarice of the many to permit it to oppress the few. It talks of necessity—necessity!—the beggar's cloak—the tyrant's plea. Let the merchants refuse all compromise, whether in the shape of loans, or of equivalents, or of commutation for extra profits. Let them scorn, while innocent, to pay any part of a penalty which is due only in case of guilt—fly to the States, and claim their Constitutional interposition—interest their humanity, to afford a shield against so grievous a tyranny! Above all, let them throw themselves upon the moral sentiment of the community, which will never countenance, when once made to realize the nature of, the oppression. And let this be their consolation, that, as in the natural, so it is often in the moral and political world—the darkest hour of the night is that which precedes the first dawning of the day.

Mr. WIDGERY followed next, in favor of remission.

The House then adjourned.

TUESDAY, December 15.

Mr. LEWIS presented a petition of sundry inhabitants of Alexandria, in the District of Columbia, praying an act of incorporation to open and turnpike a road from Alexandria to the Little river turnpike road.—Referred to the Committee for the District of Columbia.

A message from the Senate informed the House that the Senate have passed a bill "to increase the Navy of the United States;" and a bill "to authorize the Secretary of the Treasury to remit fines, forfeitures, and penalties, in certain cases;" in which they desire the concurrence of this House.

Mr. GHOLSON, from the Committee of Claims, presented a bill for the relief of John Dixon and John Murray; which was read twice and committed to a Committee of the Whole on Wednesday next.

Mr. RHEA, from the Committee on the Post Office and Post Roads, presented a bill to authorize the President of the United States to establish post routes in certain cases (express mails during the war); which was read twice and committed to a Committee of the Whole to-morrow.

Mr. BASSETT, from the Committee on the Naval Establishment, made a report in relation to the brilliant achievements of Captains Hull, Decatur, and Jones, embracing a resolution in the form of a joint resolution of the two Houses; which was twice read and referred to a Committee of the Whole.

Mr. JENNINGS reported a bill prohibiting the Judges of the Territories of the United States from holding certain offices, and regulating the qualifications of delegates to the Congress of the United States from the several Territories.—Twice read and committed.

MERCHANTS' BONDS.

The House resumed the consideration of the report of the Committee of Ways and Means on that part of the Message from the President which relates to the late importations from Great Britain.

The report was ordered to lie on the table, after some conversation; and the following bill from the Senate was twice read:

A Bill directing the Secretary of the Treasury to remit fines, forfeitures, and penalties, in certain cases.

Be it enacted, &c., That in all cases where goods, wares, and merchandise, owned by a citizen or citizens of the United States, have been imported into the United States from the United Kingdom of Great Britain and Ireland, or the dependencies thereof, which goods, wares, and merchandise, were shipped and departed therefrom between the 23d day of June last, and the 15th day of September last, and the person or persons interested in such goods, wares, or merchandise, or concerned in the importation thereof, have thereby incurred any fine, penalty, and forfeiture, on such person or persons petitioning for relief to any judge or court proper to hear the same, in pursuance of the provisions of the act, entitled "An act to provide for mitigating or remitting the fines, forfeitures and penalties, in certain cases therein mentioned," and on the facts being shown, on inquiry had by said judge or court, stated and transmitted as by said act is required, to the Secretary of the Treasury; in all such cases, wherein it shall be proved to his satisfaction that said goods, wares, and merchandise, at the time of their shipment were *bona fide* owned by a citizen or citizens of the United States, and shipped, and did depart from some port or place in the United Kingdom of Great Britain and Ireland, or the dependencies thereof, owned as aforesaid, between the 23d day of June last, and the 15th day of September last, the Secretary of the Treasury is hereby directed to remit all fines, penalties, and forfeitures, that may have been incurred in consequence of such shipment, importation, or importations, and also to direct the prosecution or prosecutions, if any shall have been instituted for the recovery thereof, to cease and be discontinued, upon the costs and charges that have arisen or may arise being paid, and the duties payable on such goods, wares, and merchandise, being paid, or secured to be paid, agreeable to law. *Provided nevertheless*, That no case in which the purchase of such goods, wares, and merchandise, was known to exist between the United States and Great Britain, at the port or place where such purchase was made, shall be entitled to the benefit of this act.

Mr. Bibb moved that the bill be postponed indefinitely.

Mr. Gholson moved to amend the motion, so as to include in it also the report of the Committee of Ways and Means above mentioned.

Mr. D. R. Williams said, he had intended to take no part in the present debate, nor should he have now risen, at so late a stage of it, but for the declaration made by a gentlemen yesterday in his place. If he could be so fortunate as to engage the attention of the House, he would promise to trouble it as short a time as possible. He understood a gentleman to state that, ever since the present Administration came into power, it had been its practice, through the instrumentality of the Secretary of the Treasury, to lay taxes on the mercantile interest, under an entire new construction of the law of 1797, which provides for mitigating and remitting forfeitures, penalties, and disabilities, accruing in certain cases.

Mr. W. was here interrupted by Mr. Quincy, who said that the bearing of his argument was wholly mistaken by the gentleman from South Carolina. Mr. Q. then proceeded to recapitulate the general points of his argument.

Mr. Williams expressed his satisfaction that the gentleman had explained; that he was not suffered to argue against a declaration which the gentleman denies, which every person near him, in common with himself, understood was made; but, sir, if the gentleman will search the records with half the industry he is capable of, he will find himself mistaken, in supposing the powers which have been exercised by the present Secretary, under the act of 1797, are novel, and founded on a different construction of the law, from that which had been given to it prior to 1801; the fact is not so.

Mr. Quincy declared it was his intention to move for such an inquiry as soon as the present question was settled.

Mr. Williams was positively certain, let the gentleman institute what inquiry he pleases; let the whole office transactions of the Treasury be laid open to him; the more it was examined, the more clearly would it be demonstrated that he is wholly mistaken; there has been no new constructions of the law; even the very cases which the gentleman has cited, are amply justified by precedents under former Secretaries. The error which he has fallen into consists in this, he has examined only the register of the cases which have been remitted or mitigated, and not the documents relative to them, or he could not have formed an opinion, in any way approximating to that which he has advanced. The construction of the law has not been novel on the part of the present incumbent; he contended that no other discretion had been exercised, but that which the law warrants, and which had been previously practised on. The very first case on the register is one mitigated by the first Secretary of the Treasury. How does the gentleman sustain the accusation, that the merchants have been prostrated at the feet of the Treasury, and the vital principles of free Government been endangered? by citing the cases of Gillespie and of Armistead. What are those cases? The law prohibits the importations of porter in casks under a certain size, for reasons too obvious to mention; the custom-house officers seized a quantity of porter, imported by Gillespie, in vessels other than of the description warranted; the law was executed and the porter sold. Gillespie petitioned the Secretary for relief; it was granted on the condition of his paying one-fourth the amount of sales; one-half of which was distributed among the custom-house officers agreeably to law; the other half was received in discharge of the duties, which otherwise would have been lost to the Government. Can any man feel so much solicitude to criminate, as to deny that the duties ought to have been received; that the officers of the customs ought to have been so rewarded; or that the decision was made agreeably to law? He hoped not.

The case of Armistead was, if possible, still more clear; it came before Congress at the session when he first had the honor of a seat in it. He was surprised that the gentleman, who was then a member, should have alluded to it; the chairman of the Committee of Commerce and Manufactures, who presented the case, would correct him if he should state it incorrectly. A vessel, belonging to Mr. Armistead, sailed from a port in Europe, bound to one in the West Indies; when near the port of destination, the Captain ascertained that intercourse with the port had been interdicted by the British Government; that to proceed would be at the hazard of vessel and cargo. He, therefore, altered his voyage, and arrived at Norfolk. Unfortunately for Mr. Armistead, a part of the cargo consisted of French brandy in *demijohns*; the law is imperative; the brandy was forfeited, because it was imported in vessels less than the size which the law allows. Mr. Armistead petitioned Congress for relief; after much difficulty, a bill passed this House, but it was rejected in the Senate—the power to relieve being already by law vested in the Secretary of the Treasury. There certainly was, on the part of Mr. A., neither fraud nor wilful neglect; his vessel had arrived within the United States contrary to his orders. The Secretary, on application, mitigated the case, on condition that the duties should be paid, and two cents per gallon to enforce the law, by establishing a difference in favor of the legal over the illegal importations. Can any man doubt, much less deny, that the duties which would have accrued on the brandy, had it been imported in vessels of the legal size, ought to be paid? And wherefore, then, where it was relieved from forfeiture, ought they not to be received? Assuredly, it would be admitted, that importations contrary to law ought not to be placed on better terms than those made in conformity to it. Here it will be perceived, there was nothing retained for the officers of the customs; they deserved nothing; there was no attempt to smuggle, and, of course, no detection.

If the Secretary has not legally the discretion exercised; if he can only mitigate where there is fraud and wilful negligence, according to the gentleman's construction, it is palpable that the innocent, as in the case of Armistead, must suffer the rigor of the law, while he who is guilty of fraud, or wilful negligence, shall alone be relieved from it. Is not this absurd? Can these cases (continued Mr. W.) present to a candid mind, anything like an assumption of power never before practised on? Do they indicate a power, as has been alleged, calculated to aggrandize the Treasury by humbling the merchants at its feet? Is it possible to discover in them the remotest danger to the vital principles of free Government? He thought not.

The gentleman might have found cases on the same register, much more analogous to the subject in hand, than those he has referred to, and which have grown out of the non-importation law, Owing to the various suspensions and re-enaction of that law, it was hardly possible for merchants to pursue even a regular course of trade, without being exposed by its various changes and penalties. It will be found, on examination, that, in many cases of forfeiture under the law, the merchants have been relieved, by paying duties on the goods as imported, proportioned in amount to the circumstances of their cases, respectively, none exceeding double duties. In all such cases of mitigation, the whole property was forfeited. Is it not strange, the gentleman should not have discovered, if the Secretary's object had been to replenish the Treasury, he had mistaken the means? for, as in all the mitigated cases, he would not discharge altogether, he had only to refuse to mitigate, also, and the whole share of the United States, in the forfeited articles, would have come into the Treasury, instead, as was the fact, of an amount only about equal to the duties. So far from the power being exerted to humble or injure the merchants, it has been used for their protection and relief, without which they would have been, in many instances, ruined. Let him examine: he will find that, notwithstanding the vast increase of commerce, the register to which he has resorted proves, on a comparison of years, that the powers vested in the Secretary of the Treasury have been exercised with more moderation, by the present incumbent, than by his predecessors. From August, 1790, to June, 1796, there were 219 cases relieved, on payment of costs; 82 mitigated; and 34 rejected. From August, 1801, to June, 1805, there were 254 cases relieved, on payment of costs; 65 mitigated; and 16 rejected; and yet the gentleman talks of moral turpitude, of an assumption of power never before practised, of a novel construction of the law! The powers vested in the Secretary of the Treasury, by the law of 1797, are absolutely necessary, indispensable; without them, the merchant would be constantly exposed to vexations, to hardships, to ruin. Your revenue laws must, of necessity, be so general and rigid in the penalties and forfeitures they impose, some alleviating, mitigating power, lodged somewhere, is indispensable to the just execution of them. By a principle of the law, the ship is forfeited, whose captain, mate, or passengers, shall smuggle into the United States dutiable articles to the amount of five hundred dollars; and, yet, the forfeiture may arise from circumstances very distinct. If the captain, mate, or passengers, shall so smuggle, as the agents of the ship's owners, or with his knowledge, it would constitute a case of fraud; if the character of the captain is notoriously base and villanous, as in many instances during the embargo, the circumstance of wilful neglect attaches; but should the revenue be defrauded to the stipulated amount, without any knowledge on the part of the owner, the ship is as much forfeited by the law, notwithstanding his personal innocence, as if he were absolutely guilty. Is it not wholesome, is it not just, there should be a sound discretion exercised in discriminating between and mitigating these cases? To be just to the Government and to the merchant, it is necessary he should be made to pay, in one case, only just so much as will make him sensible that he is always answerable, so far as the revenue is concerned, for the good conduct of the persons he employs, while in the others, he ought to suffer severely. One word more about the law of 1797; he found written over the title of the law, in the volume which he held, these words, "Gallatin voted against this law." Why he did, said Mr. W., I shall not inquire, for, no matter how he voted, or by what reasons he was induced, it is the law of the land, and he is just as much bound to obey it, as if he had voted for it. This circumstance reminded him of the argument of his worthy colleague, when he referred to the Journal for the vote of the Secretary on the law; he was sorry, on that occasion, to see his friend descend from a stand he can occupy with so much credit to himself, to see him abandon the pinions on which he can soar against the blaze of every argument, to assume the situation of the gentleman from North Carolina; he should ever protest against any other person's thumbing the Journals for the votes of 1798, except the gentleman from North Carolina.

The subject now immediately before us, (continued Mr. W.,) though very important as to amount, was to his mind very circumscribed as to its real merits; it is simply what is the proper tribunal. Shall the petitions of the importers of British manufactures be decided by Congress, or by the Secretary of the Treasury? He had considered it material to a just decision, to satisfy his mind, and he thought it equally incumbent on others—how came the property in England? With the pounds, shillings, and pence of the merchant, he conceived we had nothing to do; it ill comports with the dignity of this body, nor was it necessary that we should inquire what were his ordinary or extraordinary profits, unless indeed, we contemplated going back to the first embarrassments and subsequent losses, the necessary measures of Government had occasioned him. How came the property in England? Did it get there contrary to any statutory provision?

Was there any prohibition whatever on exports to Great Britain? Was it at all contrary to the policy of the Government? He answered no. When you unfortunately rejected the embargo, when you thereby abandoned the policy of non-exportation, for a system of non-importation, the right to export was as free and as perfect as it ever had been. The merchant who exported the produce of the soil to Great Britain, was not less patriotic in so doing, than was the agriculturist who sold it to him, knowing it was destined for that market; it was therefore exported neither contrary to law nor policy, and was there as fairly as it could have been anywhere. In what situation, then, did the merchant find himself, on the revocation of the Orders in Council? He saw the obnoxious system, which had so injured his country, abandoned, for the suspension of which he knew his Government had exerted every nerve, and the faith of which he saw pledged for the repeal of the non-importation law. If the course which had been adopted by the Administration, and approved everywhere, on Erskine's arrangement, on the repeal of the Berlin and Milan decrees, was not a just ground for calculating that the law would be repealed, the advice of the Government's Representative at the Court of London, and their reiterated promises, most assuredly were. Did the merchant who shipped, after a knowledge of the declaration of war, act less reasonably? Not only his property, but his person was in danger; confiscation and imprisonment hung over him; was he to remain in England under such circumstances? Where could he go but home? All the rest of the world was occluded to him. His leaving England, then, was the effect of inevitable necessity, rather than of choice. Could he apprehend less kindness from his own Government, than had been shown by that very Government to the subjects of its declared enemy? He could not but believe, from its known character, at least the same leniency would be exercised toward him. More, sir; he knew that a permanent article of the Treaty of '94 had, by wise forecast, been provided for his case; he knew the faith of the two Governments had been mutually pledged to suffer the departure of the citizens and subjects of both, on the breaking out of a war; he knew that Congress had, at the last session, passed a special act, permitting the departure of all British subjects with their property. Was it possible he could imagine his own Government would thus secure the benefits of the treaty provision to British subjects, and deny it to American citizens? He could not—he ought not. He wished not to be misunderstood on this point; he contended that that class was entitled to relief, not because the property was in England simply, but that it was there at the breaking out of the war; the house was in flames, it must escape or perish. Can the intention, then, with which the goods were imported, be of an improper character? Was there any attempt to deceive the revenue officers? Was the importation attempted to be made in a clandestine manner? No, sir. The merchant then found himself, at the declaration of war, in England, with his property; he must lose it or bring it off; pray how could it be brought, except by vesting it in British manufactures? Specie was out of the question. Is there any article of export from thence, in which it could have been vested, other than British? Look to the testimony on file; even heirs, here, resort to the same medium through which to receive the property they are entitled to by the demise of relations there. If, then, the property which was in England at the revocation of the Orders in Council, and the breaking out of the war, had been accumulated in a fair course of trade, not contrary either to your laws or policy; if its importation here was warranted by a reasonable—a moral certainty—that the law would be repealed in the one case, and, in the other, was the effect of necessity growing out of the war; if there is no trace of guilt, nor of an intention to violate the law, can it be possible that this House will attempt to exact any portion of the penalties? He hoped not.

He did not believe that a discharge of the bonds involved the propriety of repealing the non-importation law. No future case could arise similar to those under discussion; unless, indeed, there should be another revocation of the Orders in Council there, and another declaration of war here; without, there can be no similar reasons for relief. He was decidedly opposed to a repeal of the non-importation law. What if it had been resorted to as a substitute for war, when we were anxious to avoid it, was that a reason for repealing now that war was made? If experience had proved the system is injurious to the opposition, it was, therefore, the more necessary to retain it, in all its vigor, now it had become our duty to do him all the harm in our power. That it is a powerful instrument in our hands, is no longer doubtful—the fact stands confessed. The law, too, has, much to the credit of the merchants, been enforced and can continue to be, all the predictions to the contrary notwithstanding. It was surprising to hear gentlemen contend against the practicability of enforcing the law, at the same time they quote the examination before the House of Commons as a proof of its efficacy. Yes, sir, the law has been enforced; the English manufacturers have sorely felt; its pressure upon them has caused a revocation of the Orders in Council, and for one, he never would consent, while we were at war, to throw away so powerful a weapon with which, standing on our soil, we could reach, at three thousand miles distance, the vitals of our enemy.

The policy of the course recommended he could not approve; the subject had been brought to our consideration, not only by the petitioners, but the Executive; it has become, therefore, our duty to decide; the responsibility of the decision ought to be with the House, rather than burden any individual with it. He could not consent so great a cause—so many millions—should be placed at the discretion of any man. The Secretary of the Treasury was worthy of all the

confidence we ought to bestow; he could not but feel proud of the institutions of his country, whenever he contemplated his present elevation; he was an illustrious example that, practically, the rich and the poor have the same avenues to honor and renown equally open to them; under every disadvantage he had been the architect of his fame; he landed on your soil penniless;—no, sir, he was robbed the first night after he touched it of every cent. Could he expose such a man to the rage of the whole community? No, sir; the patronage was too great—the discretion was too much. He would not refer it even to his worthy friend from North Carolina, (Mr. MACON.)

If he had not already engrossed too much of the time of the House, he would exhort it to beware of irritation, which had been attempted to be excited; he conjured the majority not to suffer its indignation, so strangely and unnecessarily provoked, to get the better of its discretion. A pecuniary consideration of the subject had also been pressed on the House; if it must be viewed in that light he had not the least doubt the Treasury would receive much more by the duties than by a forfeiture of the bonds. Both was impossible; the first would be paid cheerfully, the latter only by extortion; prosecute them, you will not recover one in an hundred; every advantage will be taken. Can you expect a merchant will expose his family to want, when in his power to prevent it? For such an object they will not be over-scrupulous about the means. Will you appeal to the law against the whole of a great and influential part of the community, when it will scarcely be possible to find a jury not interested against you? Begin the prosecution when you please, the lawyer on your side, the juror your enemy, you will be cast. Can you doubt the merchants will make common cause against you? Who are the most injured by these importations? Indisputably the previous holder of British manufactures. If the great supplies of these articles have yielded extraordinary profits, as gentlemen contend, how much greater would have been his profits who held these articles, had not these importations been made? These, then, are the persons who suffer most—who have the greatest cause to complain—and yet there is not the slightest murmur among them. Nor did he believe that the bonds could be collected in certain parts of the Union, because he recollected how impossible it had been to execute the law prohibiting the trade in Africans; obnoxious as is that traffic, it had never been put down, for even where the forms of the law in some places were complied with, its spirit was not. He knew a fine ship about three hundred tons libelled, condemned, offered at public auction by the marshal, and bid off by the former owner at five dollars. You can have indisputable proof that a hogshead of glass, of the late importations, has been appraised at eight dollars, the first article out of which sold for twelve! Can you succeed under such circumstances in recovering $20,000,000? Impossible.

Some gentlemen have attempted to persuade the House it ought not to be influenced by the great amount of property at stake, but should decide on it, as if it was only the case of A or B. This was correct enough in the general, but why do the same gentlemen shrink from it themselves? The importations being made contrary to law, are forfeited; if the amount is not to be considered, why is it that we hear of exacting only the extraordinary profits? for even his worthy friend from Georgia, (Mr. BIBB,) with all his zeal in the cause, asks for no more. The amount, in his judgment, was all important; nothing was more to be deprecated at the present moment than to excite disgust and irritation in the community; surely these would be in proportion to the amount of property forfeited.

When he considered all the circumstances of the case; the reasonable ground the merchant had to calculate on a repeal of the law; the necessity he was exposed to of leaving England with his property; the extreme novelty and danger of the policy, and the inexpediency of attempting to enforce the penalties, he could not refrain from voting to discharge all fair cases of *bona fide* American property.

After considerable debate in which Messrs. WILLIAMS, QUINCY, RANDOLPH, STANFORD, and MACON, took part, the House adjourned without coming to any decision.

WEDNESDAY, December 16.

Mr. BOND presented a petition of sundry inhabitants of the Illinois Territory, praying that a Land Office may be established in said Territory, and for pre-emption rights to the tracts of land on which they have settled respectively.—Referred to the Committee on the Public Lands.

Mr. QUINCY rose to make a motion. He prefaced it by some general observations favorable to the policy of conferring honorary rewards for bravery and noble conduct; and certainly, he remarked, no class of men more justly deserved the meed of honor than those attached to our gallant little Navy. But, as it was a part of the duty of this House to pass such votes, it was also their duty to see them carried into execution. He applied these remarks to the vote by Congress of a gold medal, sword, &c. to Commodore Preble and his companions in arms, for their spirited exertions before Tripoli. He stated, also, that an appropriation of $20,000 had been made and expended to carry this vote into effect; and yet he said he believed no officer concerned had received the swords voted to them—if they had, he had not been able to hear of one. As to the medal voted to Commodore Preble, and the month's pay to the seamen, his knowledge did not extend. But if the swords were given, as the resolution directed, to those who had distinguished themselves on that occasion, it was as necessary to the object of the vote that their names should be known as that the swords should be received. He therefore proposed a resolution as follows:

"*Resolved*, That the President of the United States be requested to cause to be laid before this

House a statement of the proceedings which have been had under the resolution of Congress of the 3d of March, 1805, whereby the President of the United States was requested to cause a gold medal to be presented to Commodore Edward Preble, and a sword to each of the officers and midshipmen who distinguished themselves in the attack on the town, batteries, and naval force, of Tripoli; and that he be also requested to state the names of the officers who have received swords by virtue of the above-mentioned resolution, accompanying the same with an account of the expenditure of the appropriation of twenty thousand dollars, made for those objects, and specifying the objects to which the unexpended balance of said appropriation, if there were any such, have been applied."

The motion was agreed to, and Mr. QUINCY and Mr. KING were appointed a committee to present the resolution to the President.

The bill from the Senate "to increase the Navy of the United States" was read twice, and committed to the Committee of the Whole on the bill of this House to increase the Navy of the United States.

MERCHANTS' BONDS.

The House resumed the consideration of the bill directing the Secretary of the Treasury to remit fines and penalties in certain cases.

The SPEAKER declared the motion yesterday made by Mr. GHOLSON to be out of order.

The question recurred on indefinite postponement of the bill; which, after a few remarks from Mr. RHEA in favor of the motion, was decided in the negative, as follows:

YEAS—William Anderson, Stevenson Archer, Daniel Avery, William Barnett, David Bard, Burwell Bassett, William W. Bibb, William Blackledge, Adam Boyd, Robert Brown, William Butler, Matthew Clay, James Cochran, John Clopton, Lewis Condict, William Crawford, Roger Davis, John Dawson, Joseph Desha, Samuel Dinsmoor, Elias Earle, William Findley, James Fisk, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Felix Grundy, Bolling Hall, Obed Hall, John A. Harper, Aylett Hawes, John M. Hyneman, Richard M. Johnson, Abner Lacock, Peter Little, Aaron Lyle, George C. Maxwell, Thomas Moore, William McCoy, Samuel McKee, Arunah Metcalf, James Morgan, Jeremiah Morrow, Anthony New, Thomas Newton, Israel Pickens, Benjamin Pond, John Rhea, John Roane, Jonathan Roberts, Ebenezer Sage, Lemuel Sawyer, Ebenezer Seaver, Samuel Shaw, George Smith, John Smith, William Strong, John Taliaferro, George M. Troup, Robert Whitehill, and Richard Winn—61.

NAYS—Ezekiel Bacon, John Baker, Abijah Bigelow, Harmanus Bleecker, James Breckenridge, Elijah Brigham, William A. Burwell, John C. Calhoun, Francis Carr, Epaphroditus Champion, Langdon Cheves, Martin Chittenden, Thomas B. Cooke, John Davenport, jun., William Ely, James Emott, Asa Fitch, Thomas R. Gold, Charles Goldsborough, Edwin Gray, Isaiah L. Green, Jacob Hufty, Richard Jackson, jun., Joseph Kent, William R. King, Lyman Law, Joseph Lewis, junior, William Lowndes, Nathaniel Macon, Archibald McBryde, Alexander McKim, James Milnor, Samuel L. Mitchill, Jonathan O. Moseley, Hugh Nelson, Thomas Newbold, Joseph Pearson, Timothy Pitkin, jr., James Pleasants, jr., Elisha R. Potter, Josiah Quincy, William Reed, William M. Richardson, Henry M. Ridgely, William Rodman, Thomas Sammons, John Sevier, Adam Seybert, Daniel Sheffey, Richard Stanford, Philip Stuart, Silas Stow, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Uri Tracy, Charles Turner, jun., Pierre Van Cortlandt, Laban Wheaton, Leonard White, David R. Williams, William Widgery and Thomas Wilson—63.

So it was determined that the bill should not be indefinitely postponed.

It was then moved, by Mr. ROBERTS, that the bill be referred to the Committee of Ways and Means, to consider thereon.

A motion to refer the bill to the Committee of the Whole superseded that motion. The motion to refer the bill to the Committee of the Whole was negatived—64 to 59; and the bill was then referred to the Committee of Ways and Means.

NAVY OF THE UNITED STATES.

The House resolved itself into a Committee of the Whole, on the following bill from the Senate, which had been previously twice read in the House:

A bill to increase the Navy of the United States.

Be it enacted, &c., That the President of the United States shall be, and he hereby is, authorized forthwith to cause to be built, equipped, and employed, four ships to rate not less than seventy-four guns, and six ships to rate forty-four guns each.

SEC. 2. *And be it further enacted*, That there shall be employed on board of each of the said ships of seventy-four guns each, one captain, six lieutenants, one first lieutenant and one second lieutenant of marines, one surgeon, one chaplain, one purser, and three surgeon's mates.

SEC. 3. *And be it further enacted*, That there shall be employed in each of the said ships, carrying seventy-four guns, the following warrant officers, who shall be appointed by the President of the United States: one master, one second master, three master's mates, one boatswain, one gunner, one carpenter, one sailmaker, and twenty midshipmen; and the following petty officers, who shall be appointed by the captains of the ships, respectively, in which they are to be employed, viz: one armorer, six boatswain's mates, three gunner's mates, two carpenter's mates, one sailmaker's mate, one cooper, one steward, one master at arms, one cook, one coxswain, one boatswain's yeoman, one gunner's yeoman, one carpenter's yeoman, ten quarter gunners, eight quartermasters, one clerk, and one schoolmaster, also to be appointed by the captain.

SEC. 4. *And be it further enacted*, That the crew of each of the said ships of seventy-four guns shall consist of two hundred able seamen, three hundred ordinary seamen and boys, three sergeants, three corporals, one drummer, one fifer, and sixty marines.

SEC. 5. *And be it further enacted*, That the pay of the schoolmaster shall be twenty-five dollars per month and two rations.

SEC. 6. *And be it further enacted*, That the sum of two millions five hundred thousand dollars be and the same is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the building and equipping of the aforesaid ships of war.

Mr. SAWYER made a motion to add the word

"teen" to "four," so as to make it fourteen 74-gun ships.

Mr. S. thought it a proper occasion to try the question, whether we were to have a Navy or not? He took the occasion to congratulate the House upon the repeated victories of our little navy over the enemy; and of the grateful prospect of a speedy termination to the despotism of the seas. National piracy is about to be exterminated, and all nations permitted to traverse their great highway in safety. The thing can be done; and if we say so, with the will of God, will be done. The experiment upon which the proof hangs has been made. British arms cannot withstand American upon the sea. The bully has been disgraced by an infant; and fear shall no longer restrain an abject world from vindicating its long violated rights. Give us but a respectable fleet, and it is all we ask. But what can we do with four seventy-fours? They are a mere mockery. If we do mean to make a serious stand upon the ocean, such a force must be out of all character. If we mean merely to annoy her trade, (and he trusted we meant more,) frigates will do; but, to make any serious impression that way, we must have a respectable fleet; at least, in his opinion, fourteen sail-of-the-line. That would give us a preponderance on our own coast, and enable us to bring in our prizes with safety. Who can bear the idea of our being obliged to burn or sink all the ships we may take from the enemy, for fear of their being recaptured? He thought we should save enough by the protection they would afford to our prizes to support the expense of them. We can easily support such a force. The expense, distributed over our widely extended population, would be less than a dollar a head; and, where is the American who would grudge such a sum for such an object? The people, I am confident, will cheerfully pay it, because we are now at war, and a navy is found the most efficient weapon in our hands against the enemy. He therefore trusted that if it was the disposition of the House to have a navy, they would establish such a one as would answer some purpose.

Mr. SEYBERT said, he did not anticipate that the bill from the Senate would have been called for to-day by the chairman of the Naval Committee; notwithstanding he had bestowed some attention on the subject, he confessed his remarks would be made in a manner not entirely satisfactory to himself; he would, however, proceed with them.

Mr. Chairman, said he, I wish it was as easy to build, equip, and man the seventy-fours, as it will be to add the word "teen" to "four," as is proposed by the gentleman from North Carolina. So far from adding to the number of these ships, contemplated by the bill, he had intended to move that no seventy-four gun ships should be, at this time, authorized by the Legislature.

On a former occasion, Mr. S. continued, when a naval establishment was the subject under consideration, he stated at length his reasons for opposing the propositions before the House. The opinions which he then advanced concerning an extensively permanent naval establishment for the United States were still believed to be well grounded. He did not hesitate to declare his intention, at this time, and under the pressure of present circumstances, to yield much to general feelings, and the sentiments of the nation; nevertheless, he should guard against being carried too far by the current of popular opinion. It is equally my duty, said he, to keep in view what is conceived to be the permanent and vital national interest. He declared a uniform opposition to that establishment, which could not be brought within the means and resources of the nation to maintain it. We have made war, said he, to guarantee the honor and independence of the nation, as well as for the support of the just rights of our citizens; with these objects in view, he had consented to authorize a regular force of 25,000 men, and advocated one more numerous, though in principle he was opposed to standing armies. If, then, a great portion of my fellow-citizens deem an increase of the Naval Establishment essential to promote the great work, why should it be refused on my part? No opposition would be made by him to the principle or spirit of the bill before the House, though, he confessed, he did not approve the provisions as to the kind of force therein contemplated.

Mr. S. continued.—At this time our principal object should be, to authorize that species of force which can be furnished in the shortest period, and which promises to be the most efficient in the present contest. If the views of the Government were not now confined to the present war, he considered it inexpedient to build public ships. It was necessary that the revenue should be cautiously applied. If it be employed so as to carry on the war with vigor, he would not shrink from any appropriations which could tend to produce that effect; by protracting the contest for the want of means, expense will be accumulated, and we should achieve nothing.

Mr. S. would not assent to an increase of the Navy, with a view to reconcile other measures to the opposition—to him that vote promised no such result. Our political opponents, continued he, will tell us, as regards the Navy, you are doing right to add to it; thus far we will go with you; we always maintained this to be the proper course; as to your golden dreams in Canada, we will abandon them to yourselves exclusively. Such were his present impressions; it would gratify him to find himself to have been mistaken. He declared his intention to oppose the building of 74's, or double-decked ships, and to advocate a greater number of the largest class frigates. If, however, his statements should not prove satisfactory to the House, he declared the failure would not induce him ultimately to vote against that species of force which a majority might deem expedient.

If, said Mr. S., the great reason, for now laying the keels of the double-decked ships, be (as was lately acknowledged elsewhere by high authority) to test the intentions of the Legislature as to a

permanent naval establishment, he, for one, declared, he would not thus be tested, nor could he be thereby induced to vote in favor of the proposition; he would always be governed by circumstances.

The declaration of the committee, that it was proper to meet "like with like," or, in other words, because the British have seventy-four gun ships, the United States should have them of the same class, would have no effect on him. We might as well say, because there are ships in the British service, which carry one hundred and twenty guns, we should also have such. This reasoning is fallacious. No one has attempted to advocate the latter proposition. Admitting that you had four seventy-four gun ships on your Navy list, he maintained, they would answer no good purpose. In the course of the following year, their number will be more than doubled and trebled on the part of the enemy. The consequence would be, that your most expensive ships must either combat under very unpromising circumstances, or they would be blockaded in your harbors, and then be worse than useless; they must be kept at a heavy expense, and their crews would deprive other ships of the men necessary for their equipment. He said, the opinions which he had just advanced were not the result of idle speculations at the fireside; they were supported by intelligent commanders, and rested upon the firm base of experience; they were confirmed by the conversations of some whose splendid achievements adorned the pages of our Revolutionary history, and by others, who rank as heroes of the present war. He asked, why need we resort to other authority, when that of the head of the Naval Department can be brought to bear testimony in favor of the propositions laid down? In the year 1798, the Secretary of the Navy informed the House that twelve seventy-fours, as many frigates, and twenty or thirty smaller vessels "would probably be found sufficient to insure our future peace with the nations of Europe." In 1811, it was declared that, "twelve sail of seventy-fours and twenty well-constructed frigates, with our smaller vessels," were necessary to annoy the commerce of the enemy, and guard our coasts. To this he added that, in the year 1811, during a state of peace with the United States, the British had seven ships-of-the-line on the American stations, independent of fifties, frigates, and smaller vessels; at the same time, they had thirty-nine ships-of-the-line on the stocks! Tell me, said he, what is to keep a great proportion of them from your coast in 1813?

Mr. Chairman, proceeded Mr. S., I am disposed to doubt your having the timber in your yards, which will be necessary for the frames of the double-decked ships, contemplated by the bill. A ship of this description requires, for the frame, 30,000 cubic feet of timber, and 60,000 cubic feet additional for plank, wales, &c.! The purchase of the timber supposed to be on hand was authorzed by an act passed in the month of February, 1799. My information on this subject states, that from the years 1800 to 1802, inclusive, the timber originally designed for the seventy-fours, by th Government of the United States, was deposited i the several navy yards, as follows: At Boston, 40 036 cubic feet; at Portsmouth (New Hampshire 18,706 feet; at New York 18,676 feet; at Phila delphia 20,426 feet; at Norfolk 18,542 feet; ma king a total of 116,386 cubic feet. It is general admitted, that of the timber originally procure as much as is required for two of the ships ha been necessarily applied to other purposes; so tha we must deduct 60,000 cubic feet from the quan tity delivered, this leaves a balance of 56,386 cu bic feet, a quantity scarcely sufficient for th frames of two such vessels! He could not satisfy himself how the timber for the other two frame was to be procured in time; it will require month for its selection, cutting, and seasoning; if yo fail to fell it before the end of February, you hazar much as to its durability; twelve months are re quired to build a seventy-four, after the material shall be ready in the yard. The timber for th larger ships can only be procured from the South say Georgia, Louisiana, and Florida; conside the risks attending its transportation by sea; wil you pretend to insure its arrival? These are al important considerations at this time.

He further objected to the tonnage allowed by the committee for the seventy-fours. They were rated at 1,620 tons. Experienced and intelligent naval architects, pronounce this much too little Mr. Humphreys of Philadelphia, well known for his knowledge and skill in ship-building, says, double-decked ships should not be less than 2,000 tons; the statements of your committee as coming from this gentleman, were draughted when he was not allowed to give scope to his views. Your larger class of frigates, which have proved so serviceable, measure 1,444 tons, and rate as forty-fours. Is it probable, that the addition of 176 tons to their dimensions will enable a vessel to carry thirty additional pieces of ordnance, much more weighty than those already in use? This to him appeared to be impossible. If it be intended to have the ships of the higher rates, he hoped they would not be cramped in their dimensions—that to him was false economy. Give to them, said he, their full tonnage, and you will find your account in so doing. Formerly the British ships were limited in their tonnage; the French, by extending the dimensions of their line of battle ships, have carried the British from their ancient usages; shall we remain stationary, and continue the exploded errors of other naval Powers? Certainly not—adopt the advice of Humphreys, do not remain behind; take a bold lead; give bent to the genius of your naval constructors; and force the people of Europe to imitate you in dimensions, as they have already done in regard to the beautiful forms of your ships.

Suppose, then, that the timber originally procured for the seventy-fours shall only be adapted for those of 1,620 tons, it will be advantageous to reduce it to dimensions proper for forty-four gun ships. By this reduction you will suffer a loss of one eighth, say for the two frames ten thousand dollars; this he considered as trifling com-

pared with the consequences which must follow an ill founded precedent. Last year, it will be recollected, it was admitted this timber might be used for frigates.

I do not doubt, Mr. Chairman, continued Mr. S., but that I have already fatigued the Committee with my dry calculation—it is hoped they will indulge me with their attention to a few remarks concerning frigates. I am desirous to add a respectable number to those already authorized, say from twelve to fifteen of the first class; this will give you more additional guns than the bill contemplates. Your forty-fours are superior to any of the British frigates; if you doubt this, ask Captains Dacres and Carden, they will not deny it. When the enemy is in search of your forty-fours, if he acts with his frigates, you may be sure of being victorious: if for this purpose he selects a higher rate of vessels, he will incur a great additional expense, and give you the chance of out-sailing him, or you will force him to change his present system, and add a new class of vessels to those which he has already adopted. Under a stiff breeze, your frigates will run from the ships-of-the-line; in boisterous times, a seventy-four may be forced to close her lower ports, then with your heavy frigates you might hazard a combat. The divided form in which this force will appear on the ocean, will enable you to annoy the commerce of the enemy; to capture his frigates and carry his squadrons from your coast and harbors. If our ships are concentrated in squadrons, the enemy will seek you with a force far superior; you must then combat under disadvantages or endeavor to make your ports for safety, and there you will be blockaded. By adding to the present number of forty-fours, you give an uniformity to your system, which in the end will prove very economical, the work will be sooner and much better executed; every surplus of materials will answer equally well for any one of the ships; in case a vessel shall be injured by the tempest or be disabled in action, she will be much sooner fitted for service, as you will be prepared with a surplus of masts, spars, and other equipments. Under such regulations you need not multiply expense by keeping a numerous crew in port, idle for weeks, until a mast can be procured; by adding the number proposed you will have a respectable class of efficient ships. Such ships, sir, will enable you to confirm and perpetuate the splendid victories of Hull, Jones, and Decatur; these heroes have already, in five months after the declaration of war, destroyed the charm of British invincibility on the ocean;—their deeds surpass any which the British naval annals can boast; they have humbled British pride. These actions will have a great effect on the Powers of Europe; your flag will hereafter be respected as a friend, as an enemy it will be feared;—believe me, sir, Great Britain has lost more in glory than had you conquered the Canadas. Mr. Brougham has been taught that your "assembled navies" can do more than "lay siege to an English sloop of war."

Mr. BASSETT said he was placed, thinking as he did, in an awkward situation by the motion of the gentleman from North Carolina, for, by voting for it, he should unquestionably gain largely, and yet under circumstances he was obliged to vote against it. He was not prepared now to enter into any lengthy argument on this subject; but it appeared to him that the speech of his friend from Pennsylvania was favorable to the principle of the bill, inasmuch as he had passed it over and attacked the details of the subject. On this head Mr. B. said he must confess he was not able to present his information to the Committee in as authoritative a way as he could wish; but, it would be recollected that as long ago as last year, the Secretary of the Navy had stated that a considerable portion of the timber necessary for seventy-fours was at this time provided and deposited in the navy yards. The committee (of which Mr. B. is chairman) were not, he said, authorized to say that the whole of the frames for four seventy-fours are in readiness. He believed the fact to be otherwise; but more than two-thirds of these frames, the important part of a vessel of war, were ready, and were distributed at four different yards in readiness for use. Mr. B. said, he agreed with the gentleman from Pennsylvania, that a larger tonnage would be preferable for seventy-fours than 1,600 tons; and he was perfectly satisfied a larger would be adopted, and that the tonnage of a seventy-four, to carry eighty-six guns, would be from 17 to 1800 tons. As far as he could learn from naval men, Mr. B. said, the most efficient ship now in service was a vessel of eighty-six guns. He thought none of the arguments of the gentleman from Pennsylvania went to the principle of the bill. They had better take it as it was, amend it as they chose, and authorize the building of so many vessels as our resources were now equal to. There were a variety of general views of this subject which might be presented to the House, but which he would reserve until the bill was on its passage.

Mr. MCKEE said, he had not expected this subject would have been taken up to-day, or to say anything on it when it should be taken up. But, said he, for what purpose, I feel impelled to ask, are you going to build these vessels? Are you to spend four or five millions of dollars, in addition to your present extraordinary expenditures, to protect commerce? Will this old argument, in favor of a navy, now be used, which we have so often heard heretofore? Sir, where is your commerce now to protect? Will you protect that clandestinely destined to Great Britain? No, surely. Will you protect that destined to the coast of France? Let us reflect what commerce you can carry on with France. None worth protection, or of any moment to the great body of the American people. Does France purchase your tobacco or cotton, which heretofore have found a market there? She has never been a purchaser of provisions or breadstuffs. What is the state of trade between us and France? Your cotton, in France, is taxed with enormous duties. No man who is not under the influence of the moon would, at this time, think of making a ship-

ment there. Would you ship your commerce there merely to surrender so much property into the grasp of the Emperor? It would be the extreme of folly. Where, then, will you protect your commerce? To the Baltic, sir? You can carry on in that quarter no commerce at all interesting to the great body of the American people. In what does your export to that region consist? In articles of colonial produce; not in articles the produce of your soil. Will you tax the great agricultural community for the purpose of protecting this extraneous commerce? I ask if the people of the West, the Atlantic, of the Middle States, or of any other portion of the American people, will be content to be taxed to support a navy for the protection of a commerce in foreign produce, by which but few individuals in the nation can be benefited? There is no commerce to protect, unless it be that which exchanges specie for the productions of the East Indies, and benefits no part of the community. Having no valuable commerce now to protect, the object of adding vessels to your navy, must be to fight your battles at sea.

If you would propose a navy as a means of carrying on war, bend your resources to that object. We have been told that the trident of Neptune is passing into our hands. But, sir, the sovereignty of the ocean is not to be acquired by four ships-of-the-line and five or six frigates. You can have no legitimate object in building such vessels as proposed, unless it be to carry on the war. If that be your object, make your means commensurate to the end you have in view.

Do you yet contend that the object is to protect commerce? Your commerce is not worth the cost. And who would pay it? The merchants? No, sir. They will pay only their proportion. I recollect, when a boy, to have seen a little book, in which I admired the pictures more than the reading, in which were the representations of a king, a priest, a soldier, and a farmer; a label issuing from the mouth of each contained these words: The King says, "I govern all;" the priest, "I pray for all;" the soldier, "I fight for all;" and the farmer, "I pay for all." This, sir, is perfectly true as regards the American farmers—they pay for all. And what advantage do they derive from it? What advantage are my constituents to derive from the expenditure of this money?

I know it will be said our naval officers have fought well. They have so; but in no instance have they done more than was expected from them. It was always expected, when they came in contact with an enemy, that they would either conquer, or make a good fight. I foresaw, at the last session, whether our navy was successful or not, that it was a necessary consequence of the war, that we should have a navy. If they had been unsuccessful, they would have fought well. The argument in that case would have been: "Here are your seamen captured; your flag prostrate on the main; will you not stretch forth your hand to relieve them from disgrace?" I scarcely know how I could have resisted such an argument. No man doubted, but every portion of the American people, fighting in the cause of their country, would fight bravely. They are brave; but that is no reason why our great agricultural interest should be taxed for the interest of merchants trading with specie to Abyssinia or China. The American agriculturists must pay nine-tenths of the tax which this expenditure will create. Do they derive equal advantage from it with the merchants? No. Of what advantage is it to the people of the Middle States, whether a ship loaded with Spanish milled castings is taken or gets safe to her place of destination? The loss is of so much capital, but adds nothing to the profit or prosperity of the agricultural interest, any more than as the gain of an individual promotes the general prosperity. It is unjust to tax the people of the West to build ships of war to protect the coast. Each portion of the United States, the Atlantic, the Western, and Middle States, have their rights; and we have no right to tax one for what can be of no benefit to it. Then, sir, if these vessels are to be used as means of carrying on war, erect an establishment adequate to the object. It will be said, perhaps, we have not money to build fourteen frigates. Our present expenses, we find, requires a loan of twenty millions. The passage of this bill, it is said, will only make it twenty-five millions. The building of fourteen ships-of-the-line instead of four, will *only* add ten millions to that sum!

It would be, indeed, an interesting object to the people of this country to see Great Britain humbled at our feet. You are not to do it, sir, by four ships-of-the-line, though you may do much with fourteen. I wish it to be distinctly understood that I do not mean to vote for any increase of our navy; but, if it is increased, I should be in favor of fourteen ships-of-the-line. I wish it also to be understood that, at the last session, I committed myself to lay taxes to carry on the war. I consider myself bound to vote for them. But, if you thus expend money on these chimerical objects, I state, distinctly, I will not vote for taxes. Other gentlemen may do as they please; but I will not, in such case, vote for the taxes, because I never will tax my constituents to defend commerce on the ocean. If it be not competent to its own defence, it is high time to give it up.

Mr. McKim rose to set his friend from Kentucky right as to one or two points. The ships to be built are not for the protection of commerce, but to be put under the direction of the Government, to protect our rights on the ocean, and also to aid in the security of our territorial rights. They will be employed in convoying our commerce, in repelling ships of war from our harbors; in destroying the commerce of Britain on the ocean, in order to force her to come to terms with us. They will be so employed as the Government conceives the interest of the nation to require. The gentleman has drawn a distinction between commerce and agriculture. In my opinion, said Mr. McK., they have a common interest. Agriculture will flourish if commerce be protected. Whoever draws a distinction between these

interests, as to mutual connexion and the necessity of general protection, does not, in my opinion, view the subject in a true light. There is an inseparable connexion, and commerce cannot be protected if agriculture be trampled upon. True, sir, we have but little commerce at present; and I have no idea that it will be worth while to employ our ships to convoy the trifling trade we have now. It is future interest that is in view.

As to France, who, being engaged in a very destructive war, has thought proper to adopt (as we have done) commercial restrictions as a measure of waging it with effect, we can have but little trade with her. But I will observe to the gentleman, from the little knowledge I have of the subject, that one article, an important staple of our country, does well there. I allude to cotton; it is one of the permitted articles, and latterly has been a beneficial article of export, and large profits have been made upon it.

It would appear, sir, as if the gentleman supposed that the whole expense of building and navigating these ships is to be derived from the Western people. If gentlemen will turn to the bills presented at the last session for laying taxes, they will discover that a large proportion of them were intended to be drawn from the commercial cities; that the country part does not bear more than its proportionate share of those taxes.

The gentleman says, if we are to have a navy, it should be large, adequate to the object contemplated. I approve of his design, sir; but it is not to be supposed that the United States, now without a navy, can at once build one up. My opinion is, that the bill contemplates as great an increase of force as is within our power within the present year, and the next session will be time enough to provide for more. Rome was not built in a day, is a common adage. A powerful navy cannot be expected to be built at once; and the best way is to advance step by step, but in detail, as the resources and convenience of the United States will admit. Mr. McK. concluded by expressing a hope that the amendment will not pass.

Mr. MITCHILL made a few observations favorable to the bill, and against amending it. He remarked that much of the timber was already prepared, that guns had heretofore been cast and yet remained on hand for the seventy-fours. Perhaps seventy-fours were not the best description of vessels; but he would take the bill as it stood, in preference to risking its loss by attempting to amend it.

The question was then taken on Mr. SAWYER'S motion and negatived; and the Committee rose.

THURSDAY, December 17,

Mr. BACON presented a petition of sundry inhabitants of the town of Springfield in Massachusetts, employed in the public armory in said town, and residing on the lands ceded by the State of Massachusetts to the United States, stating that, owing to their residence on the said lands, the Supreme Court of that State have decided that they are not citizens of the said State, and that they have no right as electors; and praying that their case may be taken into consideration, and such relief granted as may appear to be proper.—Referred to a select committee; and Mr. BACON, Mr. RICHARDSON, Mr. TURNER, Mr. ELY, and Mr. STURGES, were appointed the committee.

Mr. LEWIS, from the Committee for the District of Columbia, presented a bill to incorporate the Commercial Company of the City of Washington; which was read, and committed to a Committee of the Whole on Monday next.

The SPEAKER laid before the House a letter from the Commissioner of the General Land Office, enclosing a report of the Land Commissioners in the Western District of the Territory of Orleans, now State of Louisiana.—Referred to the Committee on the Public Lands.

A message from the Senate informed the House that the Senate have passed a bill "approving 'the report of the Comissioners appointed by the 'Secretary of War to ascertain and settle the ex-'terior line of the public land at West Point, in 'the State of New York;" in which they desire the concurrence of this House.

INCREASE OF THE NAVY.

The House again resolved itself into a Committee of the Whole on the bill to increase the Navy of the United States.

Mr. SEYBERT moved to amend the first section of the bill by striking out "four seventy-fours and," so as to erase the provision for building vessels of that description.

Mr. GOLD.—The provision in the bill to introduce ships-of-the-line into the Navy, I consider, Mr. Chairman, as fixing the great policy of a navy under this Government. Frigates we have had, but in common with petty nations; for the Barbary Powers have frigates; the provision now offered rises higher and promises something worthy of the Constitution, something honorable to the Government. I rejoice, Mr. Chairman, at the favorable circumstances and hail the auspices under which we now meet this question; we are no longer left to erring speculations, to uncertain reasoning, but have under our eyes the sure and infallible test of experience, of practice in war with a naval force. Within a few weeks our tars have thrice grappled with the enemy, and thrice have they triumphed in combat; the success has swelled the American bosom with joy from Orleans to Maine—all, without exception of party, vie in demonstrations of joy and in the bestowment of honors upon the victors.

While such a scene is presented here, gloom and dissatisfaction prevail in the metropolis of Great Britain—those, who have been so long accustomed to conquer, receive the capture of the Guerriere with as much astonishment as they would behold a suspension of the laws of nature. A strange event to Britons!

How often, sir, has it been echoed and re-echoed within these walls, that it would be in vain to attempt anything with a navy against Great Britain, unless we could bring ship to ship

and man to man—could equal our enemy on the ocean. How much mistaken have gentlemen been; how vain is human reason! The earliest stage of the first war under the Government has yielded a clear, full, and incontestable refutation of the argument. While the American arms have suffered disgrace upon disgrace on what was deemed the natural and proper theatre for the display of our power; while by land all is gloomy and comfortless, and the heart sickens under the past, our little Navy, a handful of men, has nobly sustained us upon the ocean, and banished that despondency which our disasters by land must have otherwise produced.

If, sir, under such auspices, such overwhelming evidence of the efficiency of a navy, this question is to be put by, I shall despair of a navy; we may rank with Algiers in a force of frigates, but shall do nothing worthy of a community of eight millions of souls, placed by Heaven in a situation most favorable to commerce and naval power.

The objections, sir, to a navy are not a little amusing. Do you move the question in peace, it is objected, that commerce flourishes and you want not protection; at another time it is said not to be worth the expense of a navy, and lastly a navy will draw America into the European vortex and involve us in a war. Now that we are in war, a new book of logic is opened, and it is objected, that you have not time to build a navy, the war will be over before ships can be finished. It is thus, sir, that the arguments against a navy are made to answer and refute themselves; nay, more, the argument in war is a satire and reproach to the objection in peace. "There is not now time to build a navy," reproaches us for not having passed the requisite laws at the last session.

I have always considered the great policy of a navy settled by the Constitution; need I spend time to show, that no great specific power was delegated to the General Government unless it was deemed necessary; not necessary for a dormitory, but to be executed for the general protection and welfare. This was the polar star—the test and criterion that governed in the delegation of powers by the States—powers not necessary to be exercised for the general good were retained by the several States. What greatly strengthens the argument is, the power to provide a navy is not only given to the General Government, but taken away or denied to the several States. In adopting the Constitution, this question was considered at rest, and a navy was deemed the necessary consequence of this power; in the Virginia Convention, where great talent and ingenuity was displayed in the debate, the point was so considered, and the objection rested on that ground; the consequence of adoption was supposed to be an unequal strengthening of the commercial parts of the Union. So deeply impressed was President WASHINGTON with the importance of a navy, and so true to his duty and just claims of commerce for protection, that he could not consent to quit his high station in the public councils without placing on record his sentiments for the good of his country—this he did in his speech to the Fourth Congress (second session) in language that well attests his wisdom and paternal care and solicitude for his country. He recommended and urged the policy of a navy in the strongest terms, and I will not believe that the parting lesson of that great and good man will be lost to his country—there is certainly too much respect for his memory to disregard his solemn advice and counsel on any subject. In this policy Mr. JEFFERSON also concurred at a period most auspicious to fair inquiry and dispassionate judgment; it was before the tempest of party arose, to obscure the great luminary of truth and blacken the political horizon.

But it is now said that agriculture, the farming interest, is not concerned in the question of a navy; that it can receive no benefit; that we have no commerce to protect. This is strange language. Need I here, sir, refer to first principles, common maxims, to show how inseparable are commerce and agriculture; that they are embarked in one common bottom and must stand or fall together? How is it possible that the rich tide of commerce should not reach and gladden our fields? What barrier is to oppose; what partition wall to separate? How is the sun of prosperity to shine on one portion of the community and not on the other? Commerce multiplies your towns and cities, and your towns and cities both consume and export the products of the soil. History, from the earliest period, and in all countries, attests, in a manner not to be mistaken, the influence of commerce. Surely, sir, commerce can never be indifferent to the farming interest. What have we seen in this Hall within a very few days? A proposition to restrict the expor trade was rejected once, again and again, and by whom? I answer, by farmers. It is impossible to mistake the springs of action, which move everything and put everything in opposition to rest. What may be the sentiments of farmers in the gentleman's State (Mr. MCKEE) I cannot say, but the farmers of New York, not a little exceeding in numbers and falling not short, I trust, in a knowledge of their interests, call loudly for a navy; they insist on naval protection as pledged to them by the compact; they claim the bond of you; they strengthen the claim by pointing to the heavy contribution to your Treasury, from the port of New York, amounting for several years past, to about one-third of the whole revenue of the Union—a revenue they would never have yielded to this Government but from the fullest confidence that the tax on commerce would be applied to its protection. Had the impost of New York been retained by that State, the State would, before this, have been able to build a navy superior to the present naval force of the Union, and the known sentiments of her citizens would have imparted to the Government the necessary disposition. It is impossible not to see that, could that State have foreseen the course of the Government in relation to a navy, the objection to a relinquishment of the impost would have been greatly strengthened, and the adoption

of the Constitution put in great jeopardy. It was best perhaps that the future was hidden from them; the advocates of the Constitution, great and powerful as they were, had sufficient obstacles to contend with. But it is objected, that our ships-of-the-line, few in number, will be overwhelmed by the British Navy. I answer, are not our frigates equally exposed? Are not our ships-of-the-line as well matched against theirs, the battle as equal and fair, as between our frigates and theirs? If such are the best arguments against this bill, weak indeed must be the defence.

It is further objected, that there is not sufficient seasoned timber on hand for four seventy-fours. On this point every gentleman must satisfy himself; my information, derived from a source entitled to credit, leads me to the conclusion, that the deficiency of timber will not be considerable, and that the building of the ships may with propriety be commenced, and that what little is wanted may be procured in the progress of the work. It is obvious that this objection is urged not for its appropriate effect, the reduction of the number of ships to the quantity of timber, but to defeat entirely the object of the bill as to the ships-of-the-line; the objection flows from a source far beyond the alleged cause or justification.

I will not, sir, longer trespass on the patience of the Committee; if gentlemen are not satisfied, that the objections and argument heretofore relied on against a navy are invalid and groundless; that they are swept away by the events upon the ocean of the last three months, nothing which I can say can remove those objections. If the motion to expunge the provision for ships-of-the-line from the bill shall prevail, we must kiss the rod, hard as it may be on the commercial States.

Mr. WIDGERY.—Mr. Chairman, it will be recollected that I was last session of Congress opposed to the building of seventy-fours, until we had got more frigates. I have been rather opposed to them in the Committee of Naval Affairs, not because I was opposed to an augmentation of the Navy, but because I thought it more to the advantage of the country to build frigates and sloops of war at present; and if, hereafter, when we have sailors plenty to man the large ships with, it should be thought best to have larger ships, it may be very well to build them; but, at present, our resources are inadequate to build the seventy-fours and the ten frigates, and say eight or ten sloops of war, which are absolutely necessary for the protection of our seacoast, in order to keep off the British gun-brigs or privateers. The ships-of-the-line will not answer this purpose, when they are at sea; they must keep deep water; they cannot, with safety, follow in under the land those small vessels which annoy our coasters, and capture them all along shore. Within a few days, I have accounts of a small privateer, of eight guns, having captured twenty or thirty sail of coasting vessels. Sir, it is a sight to see a public armed ship of the United States anywhere on our shore to the eastward of Boston—a seacoast of 200 miles—when the enemy can take everything that passes out to sea, and a country in which there are the best of ship-harbors, where they might cruise with safety, always having a harbor handy to run into. I cannot feel willing to build seventy-fours, to the exclusion of the smaller ships, of which we are so much in want at this time. If you had the money in your chest, and all ready for the building four seventy-fours, and all the timber in the yard—which you have not—still I should have doubts on my mind as to the propriety of those heavy ships. Say, if you please, that you had those ships built, could you send them to sea? I presume not, if at war with England, because she would always blockade your harbors wherever they were; and if you sent them out, perhaps you would never have to man them again; not because our ships in single combat are not a match for her's, but, because they have more ships than they know what to do with; they would always outnumber you at sea, and they would be able to come up with and capture your four ships. But, for what purpose are you to send them out? Certainly, not to take merchantmen. They are not calculated for that purpose, unless you had more than four of them. In case you had a number sufficient to intercept their East India fleet, which, generally, are under strong convoys of heavy ships, then it might be an object to send them to sea. If you are to keep them in port, for the purpose of harbor defence, you must always keep them manned; it will be too late to man them after the enemy comes in sight. And there is, in my mind, another difficulty: In the manning these heavy ships, you will have to impress men to go on board of them, or raise the wages up to what is given in a merchant ship; because the sailors will not be willing to go on board large ships, when they have no chance for prize money. On the other hand, they will be very willing to enter on board cruising ships, such as frigates or sloops of war, in hopes of taking prizes; and you have not, at present, a sufficient number of sailors to man what smaller vessels we want. If you build frigates and sloops of war, they can be furnished without your advancing the money; the merchants will build them, and loan them to the Government. The frigates and smaller vessels can be put afloat in six months from the time they are agreed for; and your ships-of-the-line will not be finished in less than two years; and if they do not cost 30 per cent. more than they are calculated at, I will dare pay all I am worth towards them for nothing. I am willing to go for almost any number of frigates, because I know you can have them built without advancing a dollar until they are ready for service, and because I am convinced they are most for our interest. Popular opinion, I know, has great weight at times; let us not be carried off on the wings of enthusiasm; we are at present at very great expense, and we ought to act prudently with our finances, or they will soon become low. At the same time, I cannot agree with the gentleman from Kentucky, who says he is opposed to any augmentation of the Navy, and asks if you are willing to tax the planters for the building a navy and the protection of the merchant? Sir, will

not the same reasoning apply against the maritime towns being taxed to support the army of 10,000 men in the West? Gentlemen say, stay on shore, and you will be safe. Sir, may we not, in return, say to the gentlemen who are settling the cheap lands of the interior, keep among us; go not into the Indian country; we cannot be taxed to defend you. This reasoning will apply with as much force against the interior as theirs does against the Atlantic towns. Sir, we are all one people, and, in order to remain so, we must be willing to defend at all points.

Mr. BASSETT spoke several times in the course of the debate. The following is the substance of the whole of his remarks:—He said, on rising, that it was with no feigned diffidence that he addressed the House. I shall, said he, have credit with every one in the assertion that I am most anxious that the proposition I have made should succeed. Must I not, then, deplore the feebleness of voice, the want of force, of manner, and promptness of mind and thought, which limit me? But I shall feel compensated if the House will, in heart, join me in regretting that a cause worthy of the first of advocates has fallen into such puny hands. For the *cause*, then, will they hear me, and for their country's good will they improve each hint I may let fall, by their better judgment. It is true, sir, we have little experience—I cannot boast of naval knowledge in our land—but, yet, we are not quite deficient. Let it be remembered, that it is on the first principles that we are to decide; that we are to mark the outlines only, which depend much on general reasoning, and, in doing which, we may resort to the experience of others. I will follow (though with unequal step) the course taken by my predecessor last year, and, on the question to fill this blank, bring the whole subject before the Committee. It will be assumed, as then proved, that protection is due to every national right, which cannot be estimated by pecuniary calculation, but must be tested by national ability only to defend and protect them. To the mode of effecting so desirable an object, I shall confine myself. The report has assumed it as a principle almost of instinct to oppose like to like, and so says the history of man, whom we find ever availing himself of the improvements of his assailant for self-defence. Hence has the art of war become to all nations the most interesting science, and no citizen is more estimable than he who can direct the national force with most efficiency. The importance of a naval force is amply attested on record. I will first, sir, point you to the conflicts between the rival Republics of Rome and Carthage, and ask you to remember the agency that their vessels had in them. Had the Romans confined themselves to the land, never had Carthage been destroyed. The history of Europe, from Venice to Great Britain, is too familiar to all who hear me, to require reference to particulars. It is sufficient for me to call attention to the effect of naval power, as it passed from nation to nation. What was the power of Venice and Genoa when they led the van of naval power? How quickly did the sceptre of Portugal rise, as she assumed a station on the ocean! how sink as she lost her naval preponderance! How did a navy once support the United Provinces! and how is it now the salvation of Great Britain! It is then a fact, that a naval armament gives effect to the power of a nation, as does the musket and bayonet, the cannon and the mortar. And how, sir, is it attempted to rebut this fact? By showing a physical disability in the country to avail itself of this force? No. For then would they be rebutted by the extent of our coasts, by the materials for ship-building, (so ample,) and the known habits and genius of our countrymen, as each day is evincing. And here, sir, I wish I could follow up the beautiful figure of my friend, who, on a former occasion, showed you our Continent, extending to either ocean, with the finger of Munificence pointing to the goodly heritage.

We have then these facts: that a navy is a powerful means of national operation; that our local situation is fitted for its use; and that we have the necessary materials. To which it is objected that your infant Navy must be opposed to one which has reached the full manhood of power on the ocean. I admit it. But shall we therefore abandon the ocean, yield our birthright, our goodly heritage, without a struggle? Or, shall we not rather, deducing argument from example, like the gallant Captain Hull, avoid their fleets and capture their single ships.

I am aware that habit impels some to be fearful on this subject, and the experience of the past will not convince them. With diffidence, therefore, do I refer to the efficiency of twelve ships-of-the-line and twenty frigates, as demonstrated last session. Let me ask of gentlemen who thus think, who thus feel, to examine the extent of their argument. Does it not go, not only to the abandonment of the ocean, but to the seacoast also? I shall trust to former statements for the magnitude of this sacrifice, with the observation, that abandoning the ocean involves the loss of one million four hundred thousand tons of shipping; and that in giving up the coasts, you lose a valuable portion of your soil, and some of your fairest cities. I will not dwell on the magnitude of this sacrifice, because I cannot believe that Americans will abandon any right which there is a prospect to maintain. I cannot, I admit, answer as conclusively the objection, that much time will be passed before this force can be procured; yet, I believe, that a mind which relied on that objection, might be satisfied that late preparation is better than none. Nor could a mind, so circumstanced, fail to see, that, while making preparation, you come every day nearer your object; in neglecting it, you are every day further from it, and you are, in neglecting it, blending ultimate loss with temporary sacrifice.

Mr. Chairman, is it for an infant nation, or a popular Government, to be deterred by the want of preparation? What is it that the youth has not to prepare, or when was it that a popular Government taxed itself with previous preparation? But why this argument of despair? What were your preparations for the Revolutionary

war, and when made? After an army was in your country. Yet were they then made, and effectually made. By the bravery of our fathers our soil was secured; on us it rests to secure our rights on the water, common to every independent nation, and as clearly ours as they are essential to our interests. What is this argument of infancy? Had not the Navy of Great Britain a beginning? Yes. There was a time when Britain had no ship. What then? She was invaded, and more, she was conquered. At this day her wooden walls, as they are proverbially called, are her defence and protection. Is it admitted that the British fleet secures her from attack? If so, would not a fleet secure us from attack also? But we have it not. Is it not then our duty, as guardians of the public interest, to provide this powerful, this necessary means of defence? But some are alarmed at the cost. Permit me to recur to the calculation of the last year. And first, as to the information derived from British experience, whose example may be taken as precedent on maritime subjects; at least they make a powerful argument, where they are rejected as full proof. In recurring to British estimates, it certainly was unexpected to the American eye to see the same sum charged for a soldier as for a sailor, viz: —— dollars per month; and as unexpected, on investigating the British expenditures for a series of years, to find that the appropriations for the Navy are found less than those for the Army, as will be seen by reference to the *Annual Register*. In corroboration of this is our own history, as appears from the calculations made by my predecessor, of which I will avail myself.

Is it not then demonstrated by foreign and domestic experience, that a naval force is the cheapest the nation can resort to for defence and protection? Is it not also proved, that a force believed to be competent, might be obtained at a sum greatly within the means of the Government—say twelve millions of dollars—or a fourth less than the ordinary amount of revenue for a year in good times? Test this subject in another way. The cost of your Navy, twelve millions; give up the ocean, and you lose, for one item, one million four hundred thousand tons of shipping, which, at fifty dollars the ton, would be worth five times the sum. Yet that would unquestionably be the least item in the account, because that would be but one loss, while that of your coasting, and other trade, would swell into a great annual amount, and be as great a sacrifice of convenience as profit. Nor is such a conclusion the less to be deprecated, because it is difficult to foresee all the evils which must result from the abandonment of one essential right of an independent nation. I know it may be said by those who view this subject differently from me, that they do not mean to abandon the ocean. It is, then, for them to show the difference between not abandoning a right, and not defending it; for I cannot believe that any gentleman will contend that the national defence shall be left to privateers. They have most justly been considered an aid to the national arm, but Heaven forbid that they should be relied on as principal. A private arm, with power to shield the nation, is what I could not contemplate without terror. I cannot believe it necessary to pursue this argument.

To return then: The force adequate to the defence of our seas would cost twelve millions. I will not say that this whole expense ought to be incurred in one year; indeed, it ought to be remarked, that of the twenty frigates, nearly eight are ready for service. Let the principle be yielded, and we can then enter on the calculation as to the portion which may be procured each year. The decision, too, would, in my judgment, be the strongest inducement to the enemy to make peace when they saw that you were progressing to a force which they could not meet. If, indeed, the force which has been named was not altogether adequate to the object of defending your own waters, you would find, having that force, that you could make any small addition that was requisite without difficulty. In reference to the opinions of others, in some measure, did the select committee determine on the number of ships, and their force, to be procured this year. Thus, if the first blanks are filled with four seventy-six-gun ships, they cost, per estimate, $333,000, and will require an appropriation of $1,332,000. If the other blank be filled with six thirty-eight gun ships, which, by estimate, cost $220,000, the requisite appropriation for them will be $1,320,000. For the sloops of war, the last blank I have calculated at 61,200, which would require an appropriation of $367,200; which, with the necessary appropriation for the four frigates ordered to be rebuilt last year, viz: the Philadelphia, New York, General Greene, and Boston, will amount to $3,500,000. This would give you four seventy-sixes and eighteen frigates, mostly of the best size. Compare the efficiency of that force with the interest of three millions and a half, the cost, and you cannot but be gratified with the result. I say, Mr. Chairman, the interest; because, though it was not in the province of the select committee to look out the ways and means, yet was it so interested as to their object, that they could but ask how was the money to be had; and they were satisfied that three millions and a half could, with facility, be loaned for Navy purposes. I state this with no view to limit the ways and means, but only that until the subject is given them to provide for, the House might not be embarrassed with the difficulty of money.

With the humble hope that the views of the committee have been shown to be at least most reasonable, if not most correct, I beg leave to say a few words as to the different kinds of vessels proposed. I will not ask that the Clerk should read that excellent letter from Captain Stewart, because I presume every gentleman who wishes information has read it more than once. From that, and the other documents, the committee thought themselves warranted in recommending four seventy-six-gun ships. In addition to the

sufficient reasons offered there, that a large ship, with fewer men and a less cost, will be more efficient than small ones, by the table A it is most conclusively evinced, that a seventy-six, at one round, throws on the enemy four pounds fourteen ounces of ball for each man; whereas, the gun-boat throws only ten ounces. I only give the extremes, that the argument may be the more readily taken. Here, too, we have the fact, that six hundred and fifty men are sufficient for a seventy-six, while four hundred and twenty are required for a frigate. The annual expense is, for the large ship, $202,110; for the frigate, $110,000. While in action, the larger ship is equal or superior to three frigates. To support this calculation by figures, we have the opinions of Captains Hull, Stewart, and Morris; and Mr. Hamilton says, that all the officers in service concur in the opinion; and I am told that such is the real history of naval conflicts. Mr. Hamilton mentions one, and Captain Stewart mentions another, of four French frigates attacking a British seventy-four, of which one was sunk, two taken, and the other run off. I find, in the British *Annual Register*, two cases, which I will read.

I owe it to the House to say, that I am told, that, in the East Indies, there was a novel instance wherein two French frigates did attack a seventy-four, and carried her; but as accident sometimes decides the fate of conflicts, I would suppose it must have been so then. It is, to say the least of it, a decision against physical force. The other cases are in confirmation of the physical power. The like result was evinced in the affair between the President and the Little Belt, and in the contest between the Essex and the Alert. I am aware that some most respectable opinions are in favor of frigates; but why are they in favor of frigates? Because they say that they are the best cruisers; and to that opinion I subscribe; and, in conformity with that opinion, have those who have thought most on the subject always recommended a large proportion of frigates. The present system contemplates eighteen to four; certainly a sufficient proportion to avail yourselves of all the advantages of cruising; while, by taking the four seventy-sixes into your service, you provide a physical force equal in all to thirty frigates. I cannot but think that it is demonstrated that this gives a force equal to thirty frigates. Moreover, for the seventy-sixes, we have the frames nearly for four, and they can, I have been told, be got ready for sea sooner than frigates.

Suppose, however, that our calculations should prove incorrect, what will be the loss of a million or two of dollars? whereas, if it gives partial security to our waters, the gain will be many millions; if it brings us peace one year sooner, the greater still will be your gain; and, my word for it, the ordering only of these large ships will be the strongest peace argument you can sound into the ears of the British Ministry. I feel most sensibly the influence of the argument that if we had these ships now there might be no objection to the experiment; but before we could build them, peace will take place, and they will be useless. Good Heaven! and is the peace, the security of our country, to be thus placed on the hazard of the time when it may please our enemy to give us peace. This was the argument last year! is now used, and will be brought up again and again, until the guardian genius of America shall dispel the enchanting influence of habit, and restore to the natural laws of physical force their due weight in the minds of Congress. It is true that it will take time to build ships, but if we have shown you, as I trust we have, the necessity and use of these ships, the argument ought to be the stronger, the sooner ought you to be preparing them. The time when is certainly most important, and I find the opinions of experienced men to be, that the frames of the seventy-sixes being already seasoned, they may be built in twelve months: that the frames for the large frigates not being ready, they could not be built under eighteen months; for the sloops of war, it is calculated that they might be procured on contract, and that our large towns would supply good materials for them, and from six to ten months will, it is hoped, put them to sea. This view is corroborated by a memorandum taken by a man of experience from the British dockyards. It was suggested to the select committee, that one, two, or more of the frigates might be contracted for. It was thought unwise to limit the Government, but it is to be hoped that they will purchase no old vessel, unless it be under very particular circumstances indeed, and when they build by contract that they will do it under the inspection of an agent.

It is cause of some exultation to me, that our naval men, where the opportunity is afforded them, give the example to prove our theory. As I am told, orders were sent from Washington in September to Captain Chauncey, then at New York, who made his preparation, took his workmen with him to the Lakes, and some days since we had the account that he had built and launched, before November was out, a frigate of twenty-six guns. The gallant Chauncey enables me to present an argument that would, could I do it justice, I am sure, have much weight. Will any gentleman regret that this twenty-six gun ship has been built, though the mastery of the Lakes has been acquired without it? Neither shall we regret the building the seventy-sixes, though peace, which God send, should come before they are launched. There is yet one other objection too important to be passed over, though it was on a former occasion so ably canvassed. It is the difficulty of getting seamen. That difficulty exists, I do admit. Yet is not the difficulty insurmountable. Here again I avail myself of the illustrations of my friend from South Carolina.

Let me add that it is an admitted fact, that our ships are better manned than the British, and though the high price of seamen's wages may be a cause of temporary difficulty, yet it will have a twofold operation. In a country like ours, where at least thirty thousand men are yearly growing into service, the temptation of thirty and forty

dollars per month, whilst ordinary labor is seven or eight, will soon swell the list of your seamen to equal any demand. It is to be remarked, that able seamen make all the difficulty, and the public service alone in the course of the year greatly removes the difficulty, as many who enter as ordinary seamen will in that time be able seamen. It appears from the documents, that in 1798–9 and 1800, that you had in service four thousand able seamen. Taking them at one-third, and it gives you, in twenty-two thousand, the deficit of one thousand able seamen only, for manning twelve seventy-sixes and twenty frigates, a deficiency which every one will see must be more than made up when compared with the increase of American tonnage since 1798, or on comparison with the increase of population. It is due to this subject also to observe, that though there be now a difficulty in getting seamen, it is the result of the number of privateers that have fitted out, and which in the ordinary course of things may be supposed to lessen. With some little delay we have hitherto manned our ships, and as said before, better than the British. But what I trust will be conclusive on this part of the argument is, that not the fact but presumption is brought against us, and, where so great an interest is at hazard, I will not suppose that surmise or doubt will be allowed to defeat the best digested plan. Such I must be allowed to consider that presented to the view of the House and the nation by my friend from South Carolina. I would ask of those who differ with me on this subject, to look well to the issue at stake. To abandon the ocean sweeps by the board all the fishing and shipping interests of America, and will wither the luxuriant tendrils of Eastern manufactures, to whose growth and strength the facility of transportation is so essential. More than half the product of the farmer is gone, if his heavy productions cannot be water-borne to market. The cotton of the South depends much on the facility of carriage for its value. The sugar of Louisiana, but for the highway of the Atlantic, would reach us at the most heavy cost, if at all. Our ships being gone, what need will there be for the hemp or canvass of Kentucky? Thus East, West, North and South, will feel as if the palsy was on them the moment you abandon the ocean. If, then, there was only a hope that the plan offered would secure this right, I would entreat of the patriotism of the American Congress not to take away even that hope. How much better it is than hope, let the earnest we have in the gallant conduct of Captains Hull and Jones, and the well-directed fire of the President and the Essex, declare. The physical force is placed before you; it is yours, ye guardians of the American people, to provide the force. The Constitution has placed the direction in the hands of the Executive, and the event is in the hands of Heaven. The first duty, then, is ours to provide the force; and I should think myself most fortunate, could I be the instrument to gain so much for my country as an undivided vote on this question. And why? Would it be the pride of personal or national correctness? Neither: from a higher source would my pleasure be drawn. It is the knowledge of the weight that such a vote would give my country in all its foreign intercourse; and that whether it be viewed in relation to the nation now our enemy, or whether you view it in relation to future and possible conflicts with the Gallican chief; or if, descending, you look only to the pigmy Power who the other day, in the person of your officer, so grossly insulted you—in any or all these views, an undivided vote to prepare a force as efficient as that now presented you, would keep your peace or defend you at war—would save you from insult, or chastise it.

The gentleman from Massachusetts has said, this was taking a fatal leap. I would ask, Mr. Chairman, why fatal? Is it fatal because most efficient against your enemy, or is it fatal from the amount of the cost, that is, two million and a half of dollars? or is it fatal because it is the most republican force, or because it excludes from your seaports and seacoasts the bristling rampart of bayonets? To my mind, no political axiom is more true than that republican safety can be rather trusted to a naval than a land force, to seventy-fours than regiments. The gentleman has again referred to the difficulty of manning your ships, and deems impressment indispensable. Sir, I admit the weakness of our nation, and lament it too. Yet I cannot believe that the hard hand of tyranny is essential to their well-being; and I regret that in an assembly of freemen, that this, the most if not the only detestable example England has set us as to a navy, should be so much relied on. Look to the fact, that in five years forty-two thousand seamen deserted from the British navy. Look to the fact, that their prisoners require to be committed to return to their own country. It is with no little pride that I call the attention of the gentleman and the committee to our gallery. Did a British gallery ever exhibit such a spectacle? No, a seamen there is a slave, and seldom puts his foot on shore but under the guard of an officer. Let us therefore be cautious in admitting that though Great Britain has been most successful, that she owes it to the hard, to the iron hand of impressment. It would not be difficult to find in her naval institutions other principles to which the mind would delight to attribute her superiority, rather than that from which we cannot but turn in disgust.

Mr. STOW said he should not consider the motion made by the honorable gentleman from Pennsylvania (Mr. SEYBERT) as going to defeat the main object of the bill, which was a liberal increase of the Navy, because he understood his intention to be to move a larger number of frigates if the clause for seventy-fours should be stricken out. The question then he should consider as simply whether it was best at present to build any ships-of-the-line, or to confine our exertions to frigates only? He said his own opinions had leaned pretty strongly to the latter side till, as a member of the Navy Committee, he had been led to a more careful examination of the subject; and he confessed that that examination

had fully convinced him of the utility, and he might say necessity, of building some line of battle ships. The propriety of building them, as well as a proportion of lighter ships, grew out of the different objects to which they were to be applied. There could be no doubt of the superior advantages of frigates and sloops of war when employed in cruising against our enemy's commerce, but whenever the object is to repel a powerful force, ships-of-the-line ought to be resorted to. They form batteries infinitely more effective in proportion to their expense than frigates. To illustrate this—the cost of a seventy-four is less than one-third more than that of a forty-four gun frigate, yet the force is as three to one, or, according to the lowest estimate I have heard, as two to one. This is easily explained when we consider that to make a seventy-four is little more than adding another deck to a large frigate. It would then appear evident, that unless we resorted to this kind of force, we should fight our enemy on the most unequal terms. She could at any time lay a few heavy ships at the mouths of our harbors and in our narrow waters, and thus effectually destroy not only our foreign trade, but what was of infinitely more importance, she could destroy the whole of our coasting trade.

Further, said Mr. S., knowing that we have no powerful ships, she can easily protect by convoy all her valuable fleets; but if we had four ships-of-the-line she would be driven to the enormous expense of convoying every fleet of merchantmen sailing to any part of America by five or six seventy-fours, or they would be exposed to capture by our fleet.

But, said Mr. S., it is objected that they would be blockaded. This objection was equally against frigates, but he was perfectly willing to put it upon that ground, that Great Britain would attempt to blockade them. What then would be the case? She must employ six blockading ships, supported at an enormous expense, at such a distance; and as had been fully shown by the gentleman from South Carolina, (Mr. Cheves,) last year, six more ships at least must be occupied in preparing and sailing to replace the first six—thus employing twelve ships to four. And after all, the attempt to confine our ships would frequently be rendered abortive by storms. Again, it has been objected that we had no harbors south of Montauk Point, in which, if pursued, our ships could take shelter. If by this was meant barely that we had no harbor properly fortified, he admitted it was true; and it was also equally true as applied to our heavy frigates; but if it was meant that there was no harbor in which ships could enter that was capable of being properly defended, it was entirely erroneous. For many such there were, and where sufficient works could be erected in a few months.

Mr. S. said a strong reason for building seventy-fours and to which he particularly requested the attention of the Committee, grew out of the state of our preparation. We have timber for four seventy-fours, seasoned and ready for use, which could not be applied to frigates, without great loss. And this explained the fact, that we could build seventy-fours sooner than frigates, unless the timber thus provided should be cut up, which, after years of deliberate preparation for seventy-fours, would appear like children's play. He said in a case of this kind, he thought great respect was due to experience. That many years ago all the ships of war belonging to the nations of Europe were small, but that, without one exception, they had resorted to a certain proportion of heavy ships. From this circumstance, as well as from the uniform opinion of our own officers, he inferred that these were the most conclusive reasons in favor of them.

The question was then taken on the motion to strike out the seventy-fours, and negatived. The Committee rose and had leave to sit again.

Friday, December 18.

Mr. Lewis, from the Committee for the District of Columbia, presented a bill authorizing an increase of the capital stock of the Bank of Washington; which was read, and committed to a Committee of the Whole on Monday next.

The Speaker laid before the House a resolution of the Legislature of the Mississippi Territory, approbatory of the conduct of the General Government in declaring war against Great Britain.—Ordered to lie on the table.

The Speaker also laid before the House a letter from the Secretary of the Treasury, transmitting the estimates of appropriations necessary for the service of the year 1813; which were referred to the Committee of Ways and Means.

The bill from the Senate "approving the report of the Commissioners appointed by the Secretary of War to ascertain and settle the exterior line of the public land at West Point, in the State of New York," was read twice, and referred to the Committee on the Public Lands.

REMISSION OF FINES, &c.

Mr. Quincy said it would be recollected that in the course of the debate the other day on the subject of the Merchants' Bonds, he had taken occasion to advert to the principles adopted by the Treasury Department in relation to the execution of the laws authorizing the remission of certain fines, penalties, and forfeitures. He had then stated that he considered those principles not to be justified by the terms of the law, and to be essentially opposed to the principles of liberty and the safety of the citizen. A gentleman from South Carolina had taken occasion to controvert the provisions laid down, and to doubt whether further examination would not prove an error in the statement. Mr. Q. said he had then pledged himself to the House to bring forward a resolution for the purpose of inquiry. To redeem that pledge, he now proposed to introduce a resolution. But that pledge was not his sole inducement. Without such a pledge, he said, it had been his intention to have moved a resolution for such an investigation of this subject as the nature of it appeared to him to require. As the House were

already apprized of his views, he said he would not further intrude on their patience than to introduce the following resolution:

Resolved, That a committee be appointed to inquire into the principles and practice adopted by the Treasury Department in relation to the revenue laws, and to the mitigating or remitting the fines, penalties, and forfeitures, accruing under the same, and that they be instructed to report thereon to the House.

Mr. BLACKLEDGE observed that the whole bearing of a resolution could not be at once comprehended by hearing it read from the Chair; but, from his understanding of this resolve, the committee to be appointed under it would perform their duty by simply stating the principles now practised on, without going back to the practice from the commencement of the Government. As the object of the gentleman's observations the other day appeared to be to impress the House with a belief that the practice recently adopted at the Treasury varied from that originally adopted in that department; and as it was his wish, Mr. B. said, to have both brought before the public, he wished the gentleman to permit this resolution to lie on the table until to-morrow, that he might have an opportunity to look into the subject, and make the motion broader than it now appeared to him to be.

Mr. QUINCY said, if the object of the gentleman was to make this resolution broader he should not object to its lying on the table. He would make but a single observation in reply to the gentleman. His intention, Mr. Q. said, had been totally mistaken if it was supposed that he considered the circumstance of the deviation from the old construction as very material. He had stated that it had been proved to his own satisfaction that a new practice had taken place in the Treasury Department. But, new or old, it was a practice, let it have been adopted when and by whom it will, essentially contrary to the principles of civil liberty.

The resolution was then ordered to lie on the table.

INCREASE OF THE NAVY.

The House again resolved itself in a Committee of the Whole on the bill to increase the Navy of the United States.

Mr. HARPER moved to amend the bill by striking out "four" and inserting "two" ships-of-the-line, with a view thereafter to move to amend the bill so as to provide for two additional frigates and six sloops of war.

Mr. WIDGERY again spoke against the seventy-fours, and in favor of frigates and sloops of war.

Mr. HARPER'S motion was negatived.—For the amendment 45, against it 51.

Mr. CUTTS then moved to strike out the seventy-fours, with a view to increase the number of frigates to be built to ten, and to add a number of sloops of war.

Mr. C. spoke at considerable length in support of his motion, and in favor of frigates and sloops of war in preference to seventy-four gun ships.

Mr. SEYBERT spoke again, questioning the correctness of the estimates for seventy-fours. He was a friend to a gradual increase of the Navy, and it was by a gradual increase only that we could become a naval power.

Mr. BASSETT spoke at great length in support of the bill, and in reply to Mr. CUTTS's remarks and objections to the seventy-fours.

Mr. CUTTS replied.

The question was then taken on striking out the provision respecting seventy-fours, and was carried.—For the amendment 56, against it 53.

Mr. CUTTS moved an amendment authorizing the building of ten ships of war, of forty-four guns, and ten sloops of war.—Motion lost by a great majority.

After some conversation as to the proper mode of proceeding in this case, the Committee rose, reported progress, and obtained leave to sit again.

Mr. BACON then moved to discharge the Committee of the Whole from the further consideration of this bill, with a view to refer it to the Naval Committee.

Before the question was decided, however, the House adjourned to Monday.

MONDAY, December 21.

On motion of Mr. BASSETT, the petitions of J. A. Chevallie, attorney of Amelie Eugene de Beaumarchais, presented on the 24th of December, 1805, and 21 of April, 1806, together with all the documents concerning the said claim, were referred to the Committee of Claims.

The SPEAKER laid before the House the annual report of the Secretary of the Treasury, of the amount of duties and drawbacks on goods imported into, and exported from, the United States, during the years 1809, 1810, and 1811; which was read, and referred to the Committee of Ways and Means.

A message from the Senate informed the House that the Senate have passed a bill "authorizing the admission, under certain circumstances, of vessels owned by citizens of the United States of America, with their cargoes, from British ports beyond the Cape of Good Hope;" in which bill they desire the concurrence of this House.

The SPEAKER laid before the House a letter from the Secretary of State of Louisiana, enclosing copies of the credentials of Thomas B. Robertson, as a member of the House of Representatives in the present and succeeding Congress from that State.—Referred to the Committee of Elections.

The SPEAKER also laid before the House a resolution of the Legislature of the State of New Hampshire, ratifying and confirming the amendment proposed by Congress to the Constitution of the United States, respecting the acceptance, on the part of citizens of the United States, of titles of nobility or honor from any foreign Power; which was read, and ordered to lie on the table.

CAPTURES AND PENSIONS.

Mr. Bassett, from the Committee on the Naval Establishment, presented a bill relating to captures; which was read twice, and committed to a Committee of the Whole on Wednesday next. The bill is as follows:

A Bill relating to captures.

Be it enacted, &c., That where any ship or vessel in the service of the United States shall have captured, or may hereafter capture, a ship or vessel belonging to an enemy, of equal or inferior force, and it shall become necessary to destroy such prize to prevent her falling into the hands of the enemy, or for the security of such ship or vessel so in the service of the United States, the Secretary of the Navy is hereby required to issue his commission to one or more fit person or persons, who, on the best evidence that can be procured, shall proceed to estimate the value of such ship or vessel, prize as aforesaid, in the port into which the capturing vessel shall first enter, and make return on oath of said estimate or valuation to the Secretary of the Navy.

Sec. 2. *And be it further enacted*, That the Secretary of the Navy shall thereon proceed to apportion the sum, which shall be equal to one-half the said valuation or estimate, as prize money, among the officers and crew making such capture, and cause the same to be paid to them accordingly.

Sec. 3. *And be it further enacted*, That each commissioned officer shall receive six dollars per day for each day he shall be employed in making the aforesaid estimate: *Provided*, His compensation shall in no case exceed —— dollars.

Sec. 4. *And be it further enacted*, That every captain or commanding officer of any vessel in the service of the United States immediately on his coming into port, after having captured a ship or vessel of equal or superior force, shall make report thereof to the Secretary of the Navy, describing particularly the size and equipment of the ship or vessel so destroyed, and the nature and extent of the damage done her in the action, as also the causes and inducements for destroying his prize, which report, in part, shall be received as evidence by the commissioners aforesaid.

Sec. 5. *And be it further enacted*, That the Secretary of the Navy shall cause the account of the money so by him ordered to be paid, to be settled at the end of one year, and all the unclaimed dividends he shall cause to be paid over to the Navy Hospital Fund.

Mr. Bassett, from the same committee, also presented a bill regulating pensions to persons on board private armed ships; which was read twice, and committed to a Committee of the Whole on Thursday next. The bill is as follows:

A Bill regulating pensions to persons on board private armed ships.

Be it enacted, &c., That the two and a half per centum reserved in the hands of the Collectors and Consuls by the act of June, eighteen hundred and twelve, entitled "An act concerning letters of marque, prizes, and prize goods," shall be paid into the Treasury, under the like regulations provided for other public money, and shall constitute a fund for the purposes of this act, and such other purposes as Congress may direct, for the aid and comfort of the seamen of the United States.

Sec. 2. *And be it further enacted*, That the Secretary of the Navy be authorized and required to place on the pension list, under the like regulations and restrictions as are used in relation to the Navy of the United States, any officer or seamen who, on board of any private armed ship or vessel, bearing a commission or letter of marque, shall have been, in the line of duty, wounded or otherwise disabled; if an officer, allowing him one-half his monthly pay for the greater disability, and so in proportion; and if a seaman, or acting as a marine, the sum of six dollars per month for the greater disability, and so in proportion; which several pensions shall be paid, by direction of the Secretary of the Navy, out of the fund above provided.

Sec. 3. *And be it further enacted*, That the commanding officer of every vessel having a commission, or letters of marque and reprisal, shall enter in his journal the name and rank of any officer, and the name of any seamen who, during his cruise, shall, in the line of his duty, have been wounded or disabled, describing the manner and extent, as far as practicable, of such wound or disability.

Sec. 4. *And be it further enacted*, That every collector shall transmit quarterly to the Secretary of the Navy a transcript of such journals as may have been reported to him, so far as they give a list of the officers and crew, and the description of wounds and disabilities, the better to enable the Secretary to decide on claims for pensions.

DUTIES ON PRIZE GOODS.

Mr. Cheves, from the Committee of Ways and Means, to whom was referred the bill from the Senate directing the Secretary of the Treasury to remit certain fines, penalties and forfeitures, reported the same with amendments, the principal one of which is to strike out the words "and the dependencies thereof," so as to exclude from the operation of the bill, the cases of goods brought in from Canada, &c.—The bill was referred to a Committee of the Whole.

Mr. C. also introduced the following report:

The Committee of Ways and Means, to whom were referred so much of the petition of the owners and agents of sundry private armed vessels fitted out of the port of New York, as prays the reduction of the duties on prize goods, and the petitions of sundry owners of private armed vessels fitted out of the port of Boston, and of sundry owners of like vessels fitted out of the ports of Norfolk and Portsmouth, Virginia, also praying a reduction of the duties on prize goods, report:

That a letter from John Ferguson and John L. Laurence, agents for the petitioners from New York, and a letter from the Secretary of the Treasury, both addressed to the chairman of the committee, and which accompany this report, contain all the facts and views which will probably be found material in the examination and consideration of this subject; and that this committee, having maturely considered them, are of opinion, that a reduction of the duties on prize goods, without embracing, at the same time, all importations made in the prosecution of the ordinary commerce of the country, cannot, consistently with sound policy and rational legislation, be made, and that a general reduction would diminish a revenue, where it does not distress the consumer, and would not produce any material increase of gain to the captors. The committee, therefore, recommend the following resolve:

Resolved, That it is inexpedient to grant the prayer of the petitioners.

Documents referred to in the above report.

WASHINGTON, *Nov.* 23, 1812.

SIR: We take the liberty of enclosing to you, for the inspection of the Committee of Ways and Means, sundry papers connected with the application by the owners of privateers in New York, for a reduction of duties on prize goods. They are as follow:

No. 1, exhibits the proceeds of the schooner Venus and cargo, captured by the privateer Teazer.

No. 2, is a statement of the cost of the privateers General Armstrong and Governor Tompkins.

No. 3, contains extracts of letters from several privateer agents.

The Committee of Ways and Means are (including the accompanying documents) in possession of three statements of prize sales, where the property was, in each case, of a different character from the others. The cargo of the New Liverpool consisted (contrary to our impressions when before the committee) altogether of wine, amounting to 27,959 gallons, whereon the duty was 46 cents per gallon, which consumed more than one-half of the proceeds of vessel and cargo, and, connected with the other charges, left the owners of the privateer about one-sixth of the captured property. The Industry was laden with 152 bbls. salmon; and the benevolent intentions of the privateersmen to restore to an indigent owner the amount of her loss, terminated, in consequence of the high duties and charges, in an inability to present her with more than a paltry sum, scarcely worth her acceptance. The Venus had a cargo of rum, sugar, fruit, and preserves, which produced $17,637 68, and was charged with duties amounting to $8,287 63. The vessel, being well calculated for a privateer, was bought in by the captors for that business. But, experience teaching them that the profits of private naval warfare are by no means equivalent to the hazard, they have abandoned that intention, and are now offering the Venus for sale in the public newspapers, but cannot find a purchaser.

We would respectfully suggest to the Committee of Ways and Means that great anxiety exists in New York, that Congress may give the question of a reduction of prize duties a speedy decision; which, if favorable, will revive the spirit and zeal, now expiring, with which privateering was undertaken at the commencement of the war; and, if unfavorable, will prevent those who have purchased vessels for warlike enterprises, in which they cannot now dispose of any interest, from incurring losses accumulated under fruitless expectations.

We have taken the liberty of reminding the committee that no naval force of any efficiency can be supported by the Government but at an expense far greater than the amount of the duties of which we pray the remission; and that there is probably no other species of naval armament half so destructive as privateers to the commerce of an enemy.

The employment of a great number of experienced masters of vessels and seamen necessarily engaged in them, whose services could not probably be obtained in any other way, and whose skill and intrepidity produce so much honor to the country, forms another important consideration.

To these may be added, that, in no other way, can the mercantile interest be so effectually united in the support and prosecution of the war, as by offering inducements to the investments of its otherwise unemployed capital in such enterprises.

We are, sir, with great respect, your obedient servants,

JOHN FERGUSON,
JOHN L. LAWRENCE.

Hon. L. CHEVES, *Chairman, &c.*

TREASURY DEPARTMENT, *Dec.* 8, 1812.

SIR: The documents in the Treasury do not yet afford any satisfactory information respecting the value of the prizes made by private armed vessels, or the amount of duties derived from that source. In answer to the inquiry of the committee respecting the propriety of diminishing the duties on prize goods, I can only take an abstract view of the subject.

No part of the duties on prize goods ultimately falls on the captors. The duties on importations are paid by the consumers, whether the merchandise be captured by privateers, or regularly imported by merchants. There may be accidental exceptions, arising from such a superabundance of a particular article as will sink its price below the prime cost and charges. It is not believed that this is now the case, and it is very improbable that, during the war, this should be the case, with respect to any species of foreign merchandise whatever. Coffee, which is the most abundant article, pays a duty of ten cents a pound. The price for exportation, in which case no duty is paid, is about six cents; and the price for home consumption is at least sixteen cents.

Indeed, it is evident that a reduction of duties will be of no use to the privateers, unless the merchandise continues to be sold at the same price as if the duties had not been reduced. In order to render the reduction beneficial to the captors of prize goods, the consumers must still pay the same price as heretofore; the only difference being, that the duty thus levied upon them would be paid to the captors, instead of being paid into the Treasury.

The question, therefore, is simply, whether it be necessary and proper to pay from the Treasury to the privateers a bounty equal to the amount of the reduction of duties on prize goods, asked for by the petitioners?

The argument probably urged in favor of that measure is, that the bounty would, by increasing the number of privateers, have a tendency to increase the amount of captures. Thus, supposing that a reduction of duties to one-half of their present rate should produce a double number of captures, the enemy would be annoyed to a double extent, without any loss to the Treasury. But it is not believed that the intended effect would be produced, at least to a degree sufficient to compensate for the loss on the revenue, or to outweigh another forcible objection to this measure.

In order to justify the payment of a bounty, it must be assumed, either that the price at which some captured articles can be sold is so low as not to render it worth the risk to send into port vessels laden with such articles; or that the bounty is necessary for the purpose of encouraging the fitting out of a number of armed vessels sufficient to capture all the enemy's vessels which can be taken by privateers.

The first position is not believed to be correct. There are not any articles constituting the mass of enemies' cargoes, and liable to pay duty, which are not sufficiently valuable to make it an object to capture the vessel and send her into port. Coffee, the article which pays the highest proportionate duty, and the value of which is most reduced, is worth six cents a pound, or

one hundred and twenty dollars per ton. But, if the fact was true, the true remedy would be to diminish the duty generally, and not to give an exclusive bounty to the owners and crews of privateers. For if the article be not worth sending in after capture, it must be altogether impossible for the importing merchant to pay its prime cost, freight, and insurance; and, with those charges, to import such an article without considerable loss. As the last position rests on conjecture, it is less susceptible of being conclusively refuted. It appears, however, highly probable, that a greater number of privateers has been and will, without any bounty, continue to be employed than is necessary for the greatest possible annoyance to the enemy's trade.

All common regular occupations will generally find their own level; and, if left to themselves, the capital and labor employed on each will regulate themselves so as to leave a moderate but adequate profit to the persons respectively engaged in each branch. Some occupations, important to the community at large, may be so unprofitable as not to be pursued to the extent required by the public interest. These form an exception, and may require an extraordinary encouragement from Government. But experience shows, that the occupations where profit depends wholly, or in a great degree, on hazard, are generally overstocked and attract a considerable capital, although there be a certain loss in the aggregate. This is daily exemplified in the case of lotteries, which are filled although there is a certain and acknowledged loss of fifteen per cent. on the whole amount of capital thus laid out by the adventurers. The hope of a prize, the uncertain and improbable chance of an easy, prompt, and great profit, are sufficient inducements to produce that effect. The occupation of privateers is precisely of the same species with respect to hazard and to the chance of rich prizes, and is, at this moment, still more encouraged by the want of employment for the capital and seamen heretofore engaged in ordinary commercial pursuits.

If this view of the subject be correct, it necessarily follows that a bounty may indeed still more increase the number of privateers, but without increasing in any proportionate degree the number of captures; that of existing privateers being already more than sufficient for the quantity of food afforded by the enemy's trade. The only probable effect will therefore be a diminution of revenue, which must be supplied by another tax, and an unprofitable application of the national capital and labor, without inflicting any additional sensible injury on the enemy.

Should, however, the opinion thus formed be considered as erroneous, there is another forcible objection to the mode now proposed of giving an encouragement or bounty. I allude to the temptation and facility which the vicinity of the British colonies affords, of making collusive or pretended captures of British prohibited merchandise. It has been suggested, from a source in which confidence may be placed, that arrangements were already made, or at least contemplated, for that object. A reduction of duties, by increasing the profit, would operate as an insurance on the risk, and assist in defraying the expenses attending the transaction. It seems that, even supposing some additional encouragement to be necessary, it would be preferable to give it in some other shape, which should not be calculated to promote those fraudulent operations.

It may not be irrelevant to state that, it is doubtful whether, by the existing laws, private armed vessels and their prizes are liable to the payment of tonnage duty, and that the seamen thus employed are certainly exempt from the payment of hospital money.

I have the honor to be, with great respect, sir, your obedient servant,

ALBERT GALLATIN.

Hon. L. CHEVES, *Chairman, &c.*

The report was referred to a Committee of the whole House.

INCREASE OF THE NAVY.

The House resumed the consideration of the motion of Mr. BACON, depending on Friday at the time of adjournment, that the Committee of the Whole be discharged from the further consideration of the bill of this House, and of the bill of the Senate, "to increase the Navy of the United States," and that the said bills be recommitted to the Committee on the Naval Establishment—when, Mr. BACON withdrew his said motion, and the House then resolved itself into a Committee of the Whole on the said bills.

A motion was made by Mr. HARPER to reconsider the motion for striking out the seventy-fours. He made this motion because he was a friend to an increase of the Navy, and would agree to build seventy-fours, if he could not obtain other descriptions of vessels.

The motion to reconsider the vote was agreed to—54 to 41.

Mr. BACON spoke against this motion. Though in favor of an increase of the Navy, he was opposed to seventy-fours.

Mr. BASSETT spoke in reply, at considerable length.

Mr. GHOLSON spoke generally in favor of an increase of the Navy, and in favor of the bill from the Senate.

Mr. STOW followed in support of seventy-fours.

Mr. TROUP also spoke in favor of seventy-four-gun ships, which he warmly advocated, as well as a general increase of the Navy.

Mr. H. CLAY explained the reasons why, though decidedly in favor of an increase of the Navy, he was opposed to seventy-four-gun ships.

Mr. WIDGERY again spoke on the same side of the question.

Mr. CALHOUN spoke at some length in favor of an increase of the Navy on general principles, and of even a larger force than was proposed now to be added by the bill.

Mr. ROBERTS spoke in favor of the postponement of this subject, with a view to obtaining further information on the subject of the probable cost of the proposed increase, &c.

Mr. PLEASANTS spoke decidedly in favor of an increase of the Navy, and of the force now proposed to be erased from the bill.

The question was then taken on striking out the seventy-fours, and negatived—For the amendment 52; against it 58.

Mr. H. CLAY proposed then to amend the bill by striking out the word "forthwith," and substituting the following clause: "As soon as suitable materials can be provided therefor;" so that if the materials were on hand, these vessels might

e built; and, if not, that the materials should e first procured. This, he said, would remove great objection in his mind to the bill, arising rom the doubt, whether suitable materials were n hand forthwith to build these vessels.

The motion was then agreed to.

The Committee then rose, and reported the ill with the amendment, which, after some obections to it as unnecessary from Mr. REED, was greed to.

Mr. ROBERTS then moved to postpone the furher consideration of the report to the first Monay in January, with a view to obtaining an offcial report on the subject of the timber, and the robable cost which will result from the passage f the bill.

Mr. WIDGERY opposed it, and Mr. MACON supported it.

The question was then taken on the motion to ostpone, and decided in the negative by yeas nd nays, as follow—yeas 45, nays 77:

YEAS—Daniel Avery, David Bard, William Barnett, William W. Bibb, Robert Brown, William Butler, Matthew Clay, James Cochran, John Clopton, William Crawford, Roger Davis, Joseph Desha, Samuel Dinsmoor, Elias Earle, William Findley, Meshack Franklin, Felix Grundy, Bolling Hall, Obed Hall, Jacob Hufty, John M. Hyneman, Richard M. Johnson, Abner Lacock, Aaron Lyle, Nathaniel Macon, George C. Maxwell, Thomas Moore, Samuel McKee, James Morgan, Jeremiah Morrow, Stephen Ormsby, Israel Pickens, Benjamin Pond, John Rhea, John Roane, Jonathan Roberts, William Rodman, Ebenezer Sage, Samuel Shaw, John Smith, Richard Stanford, William Strong, Charles Turner, jr., Robert Whitehill, and David R. Williams.

NAYS—Willis Alston, jr., William Anderson, Ezekiel Bacon, John Baker, Burwell Bassett, Abijah Bigelow, William Blackledge, Harmanus Bleecker, James Breckenridge, Elijah Brigham, William A. Burwell, John C. Calhoun, Francis Carr, Epaphroditus Champion, Langdon Cheves, Martin Chittenden, Thomas R. Cooke, Lewis Condict, Richard Cutts, John Dawenport, jr., John Dawson, William Ely, James Emott, James Fisk, Asa Fitch, Thomas Gholson, Thomas R. Gold, Charles Goldsborough, Peterson Goodwyn, Edwin Gray, Isaiah L. Green, John A. Harper, Aylett Hawes, Richard Jackson, jun., Joseph Kent, William R. King, Lyman Law, Joseph Lewis, jr., Peter Little, William Lowndes, Archibald McBryde, William McCoy, Alexander McKim, James Milnor, Samuel L. Mitchill, Jonathan O. Moseley, Hugh Nelson, Thomas Newbold, Thomas Newton, Joseph Pearson, Timothy Pitkin, jun., James Pleasants, jr., Elisha R. Potter, Josiah Quincy, William Reed, William M. Richardson, Henry M. Ridgely, Samuel Ringgold, Thomas Sammons, John Sevier, Adam Seybert, Daniel Sheffey, George Smith, Philip Stuart, Silas Stow, Lewis B. Sturges, Samuel Taggart, John Taliaferro, Benjamin Tallmadge, Uri Tracy, George M. Troup, Pierre Van Cortlandt, Laban Wheaton, Leonard White, William Widgery, and Thomas Wilson.

Mr. CUTTS then renewed the motion he had made in Committee of the Whole to amend the bill by striking out the provision respecting seventy-fours, and inserting ten frigates——

When a motion was made, and carried, to adjourn.

TUESDAY, December 22.

The bill from the Senate authorizing the admission, under certain circumstances, of vessels owned by citizens of the United States of America, with their cargoes, from British ports beyond the Cape of Good Hope, was read twice, and committed to the Committee of Ways and Means.

The resolution moved a few days ago by Mr. QUINCY, for an inquiry into the mode of administration of our revenue laws by the Treasury Department, was taken up and agreed to; and Mr. QUINCY, Mr. WILLIAMS, Mr. BIBB, Mr. MCBRYDE, and Mr. BLACKLEDGE, were appointed the committee.

Mr. GRUNDY, moved the following resolution:

Resolved, That the Secretary of the Navy be, and he is hereby, directed to lay before this House a statement of the timber prepared for ship building now on hand, and also the places at which the same is deposited, and the quantum and kind of additional timber which may be requisite to complete four seventy-four gun ships; and his opinion of the time in which such ships can be prepared for service.

On this resolution, and an amendment thereto proposed by Mr. REED, a discussion of some length took place, as well on the policy of increasing the Navy, as on the proposition before the House; in which Messrs. REED, BLACKLEDGE, GRUNDY, TALLMADGE, ROBERTS, CUTTS, and BASSETT, took part.

Mr. CUTTS moved that the resolution and amendment lie on the table; which motion was supported by Mr. WIDGERY, and opposed by Mr. ALSTON, on the ground that the friends of naval augmentation would have their views furthered by the inquiry proposed, rather than embarrassed.

The question on Mr. CUTTS's motion was taken and carried—ayes 51, noes 44, and the resolution ordered to lie on the table accordingly.

IMPRISONMENT OF AMERICAN SEAMEN.

The SPEAKER laid before the House the following Message from the PRESIDENT OF THE UNITED STATES:

To the House of Representatives of the United States:

I transmit to the House of Representatives a report of the Secretary of State, complying with their resolution of the 9th instant.

JAMES MADISON.

DECEMBER 21, 1812.

DEPARTMENT OF STATE, *Dec.* 19, 1812.

The Secretary of State, to whom was referred the resolution of the House of Representatives of the 9th instant, requesting information touching the conduct of British officers towards persons taken in American armed ships, has the honor to lay before the President the accompanying papers marked A, B, C, from which it appears, that certain persons, some of whom are said to be native, and others naturalized citizens of the United States, being parts of the crews of the United States' armed vessels the "Nautilus" and the "Wasp," and of the private armed vessel the "Sarah Ann," have been seized, under the pretext of their being British subjects, by British officers, for the avowed purpose, as is understood, of having them brought to trial for their lives, and that others, being part of the crew of the Nautilus, have been taken into the British service.

The Secretary of State begs leave also to lay before the President the papers marked D and E. From these it will be seen, that whilst the British naval officers arrest as criminals such persons taken on board American armed vessels as they may consider British subjects, they claim a right to retain on board British ships of war American citizens who may have married in England, or been impressed from on board British merchant vessels; and that they consider an impressed American, when he is discharged from one of their ships as a prisoner of war. All which is respectfully submitted. JAMES MONROE.

(A.)

Sir John Borlase Warren to Mr. Monroe.

Halifax, *September* 30, 1812.

Sir: Having received information that a most unauthorized act has been committed by Commodore Rodgers, in forcibly seizing twelve British seamen, prisoners of war, late belonging to the Guerriere, and taking them out of the English cartel brig Endeavor on her passage down the harbor of Boston, after they had been regularly embarked on board of her for an exchange, agreeable to the arrangements settled between the two countries, and that the said British seamen, so seized, are now detained on board the United States' frigate President as hostages; I feel myself called upon to request, sir, your most serious attention to a measure so fraught with mischief and inconvenience, destructive of the good faith of a flag of truce and the sacred protection of a cartel. I should be extremely sorry that the imprudent act of any officer should involve consequences so particularly severe as the present instance must naturally produce, if repeated; and although it is very much my wish, during the continuance of the differences existing between the two countries, to adopt every measure that might render the effect of war less rigorous, yet, in another point of view, the conviction of the duty I owe my country would, in the event of such grievances as I have already stated being continued, not admit of any hesitation in retaliatory decisions; but as I am strongly persuaded of the high liberality of your sentiments, and that the act complained of has originated entirely with the officer who committed it, and that, it will be as censurable in your consideration as it deserves, I rely upon your taking such steps as will prevent a recurrence of conduct so extremely reprehensible in every shape.

I have the honor to be, with the highest consideration, sir, your most obedient and most faithful humble servant, JOHN BORLASE WARREN,

Admiral of the Blue, Commander-in-Chief, &c.

James Monroe, Esq., *Secretary of State.*

Mr. Monroe to Sir John Borlase Warren.

Department of State, *Oct.* 28, 1812.

Sir: I have had the honor to receive your letter of the 30th September, complaining that Commodore Rodgers, commanding a squadron of the United States' Navy at the port of Boston, had taken twelve British seamen, lately belonging to His Britannic Majesty's ship the Guerriere, from a cartel in the harbor of Boston, and that he had detained them on board the President, a frigate of the United States, as hostages.

I am instructed to inform you, that inquiry shall be made into the circumstances attending, and the causes which produced the act, of which you complain; and that such measures will be taken, on a knowledge of them, as may comport with the rights of both nations, and may be proper in the case to which they relate.

I beg you, sir, to be assured that it is the sincere desire of the President to see (and to promote, so far as depends on the United States) that the war which exists between the two countries be conducted with the utmost regard to humanity. I have the honor to be, &c.

JAMES MONROE.

Sir John B. Warren, *Admiral of the Blue, Commander-in-Chief, &c.*

(B.)

Washington, *Dec.* 17, 1812.

Sir: I have the honor to annex a list of twelve of the crew of the late United States' sloop of war Wasp detained by Captain John Beresford, of the British ship Poictiers, under the pretence of their being British subjects.

I have the honor to be, respectfully, sir, your obedient servant.

GEORGE S. WISE, *Purser.*

Hon. Paul Hamilton, *Sec'y Navy.*

[Here follow several other documents, not deemed of material importance, except the following:]

(C.)

Extract of a letter from Major General Pinckney to the Secretary of War, dated

Headquarters, Charleston, *November* 4, 1812.

"Information having been given upon oath to Lieutenant Grandison, who at present commands in the Naval Department here, that six American seamen who had been taken prisoners on board of our privateers, had been sent to Jamaica to be tried as British subjects for treason, he called upon the marshal to retain double that number of British seamen as hostages. The marshal, in consequence of instructions from the Department of State, asked my advice on the subject, and I have given my opinion that they ought to be detained until the pleasure of the President shall be known. The testimony of Captain Moon is herewith. I hope, sir, you will have the goodness to have this business put in the proper train to have the President's pleasure on this subject communicated to the marshal."

The Message and documents were, on motion, referred to the Committee on Foreign Relations.

INCREASE OF THE NAVY.

The House resumed the consideration of the bill from the Senate for increasing the Navy of the United States.

Mr. Roberts made a motion to strike out the provision of the bill for building seventy-four gun ships; which was decided in the negative by yeas and nays, as follows: For the motion 57, against it 65, viz:

Yeas—Daniel Avery, Ezekiel Bacon, David Bard, William Barnett, William W. Bibb, Adam Boyd, Robert Brown, William A. Burwell, William Butler, Ephraditus Champion, James Cochran, John Clopton, William Crawford, Richard Cutis, Roger Davis, Joseph Desha, Samuel Dinsmoor, William Findley, James Fisk, Meshack Franklin, Peterson Goodwyn, Edwin Gray, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, Jacob Hufty, John M. Hyneman, Richard M. Johnson, Abner Lacock, Aaron Lyle, Nathaniel Macon, George C. Maxwell, Thomas Moore, William McCoy, Samuel McKee, James Morgan, Jeremiah Morrow, Anthony New, Thomas Newbold, Stephen

Ormsby, Israel Pickens, Benjamin Pond, Elisha R. Potter, John Rhea, John Roane, Jonathan Roberts, William Rodman, Ebenezer Sevier, Adam Seybert, Samuel Shaw, Richard Stanford, William Strong, Robert Whitehill, David R. Williams, William Widgery, and Richard Winn—57.

NAYS—Willis Alston, junior, William Anderson, John Baker, Burwell Bassett, Abijah Bigelow, William Blackledge, Harmanus Bleecker, James Breckenridge, Elijah Brigham, John C. Calhoun, Francis Carr, Langdon Cheves, Martin Chittenden, Matthew Clay, Thomas B. Cooke, Lewis Condict, John Davenport, junior, John Dawson, William Ely, James Emott, Asa Fitch, Thomas Gholson, Thomas R. Gold, Charles Goldsborough, John A. Harper, Aylett Hawes, Richard Jackson, junior, Joseph Kent, William R. King, Lyman Law, Joseph Lewis, junior, Peter Little, William Lowndes, Archibald McBryde, Alexander McKim, James Milnor, Samuel L. Mitchill, Jonathan O. Moseley, Hugh Nelson, Thomas Newton, Joseph Pearson, Timothy Pitkin, junior, James Pleasants, junior, Josiah Quincy, William Reed, William M. Richardson, Henry M. Ridgely, Samuel Ringgold, John Sevier, Daniel Sheffey, George Smith, John Smith, Philip Stuart, Silas Stow, Lewis B. Sturges, Samuel Taggart, John Taliaferro, Benjamin Tallmadge, Uri Tracy, George M. Troup, Charles Turner, junior, Pierre Van Cortlandt, Laban Wheaton, Leonard White, and Thomas Wilson—65.

Mr. ROBERTS then moved a new section to the bill, providing for the equipment forthwith, in addition to the force contemplated by the bill, of six sloops of war.

This motion was also negatived—ayes 44.

The amendments were then ordered to be engrossed, and the bill to be read a third time to-morrow.

MERCHANTS' BONDS.

The House resolved itself into a Committee of the Whole on the bill from the Senate directing the Secretary of the Treasury to remit fines, forfeitures, and penalties, in certain cases, and the amendments reported thereto by the Committee of Ways and Means.

The amendments reported by the Committee of Ways and Means were severally agreed to; when

Mr. ROBERTS moved to strike out the first section, with a view to try the sense of the Committee on the object and principles of the bill.

This motion gave rise to considerable debate, in which Mr. ROBERTS advocated his motion, and argued against the object of the bill; who was replied to by Messrs. GOLD and CHEVES.

The question was then taken on the motion, and lost—ayes 50, noes 56.

Mr. H. CLAY renewed a motion, made by him some days ago, when in Committee of the Whole on the same subject, which was negatived.

The Committee of the Whole then rose, and reported the bill, with the amendments to the House; and the House proceeded to consider the same.

Mr. GHOLSON, after some introductory remarks, made a motion to strike out of the bill the words "5th day of September," and insert "1st day of August."

This motion was debated at considerable length; Mr. GHOLSON advocated, and Messrs. CHEVES and GOLD opposed it.

The question on the motion was decided by yeas and nays, and lost, as follows:

YEAS—Willis Alston, jr., William Anderson, Daniel Avery, David Bard, William Barnett, Burwell Bassett, William W. Bibb, William Blackledge, Adam Boyd, Robert Brown, William A. Burwell, William Butler, James Cochran, John Clopton, Lewis Condict, William Crawford, Roger Davis, John Dawson, Joseph Desha, Samuel Dinsmoor, Elias Earle, William Findley, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Isaiah L. Green, Felix Grundy, Obed Hall, John A. Harper, Aylett Hawes, John M. Hyneman, Richard M. Johnson, William R. King, Peter Little, Aaron Lyle, Nathaniel Macon, George C. Maxwell, Thomas Moore, William McCoy, James Morgan, Jeremiah Morrow, Thomas Newton, Stephen Ormsby, Israel Pickins, Benjamin Pond, Samuel Ringgold, John Rhea, John Roane, Jonathan Roberts, Ebenezer Sage, Samuel Shaw, George Smith, John Smith, William Strong, John Taliaferro, George M. Troup, Robert Whitehill, and Richard Winn—58.

NAYS—Ezekiel Bacon, John Baker, Abijah Bigelow, Harmanus Bleecker, James Breckenridge, Elijah Brigham, John C. Calhoun, Francis Carr, Epaphroditus Champion, Langdon Cheves, Martin Chittenden, Matthew Clay, Thomas B. Cooke, John Davenport, jr., William Ely, James Emott, Asa Fitch, Thomas R. Gold, Charles Goldsborough, Edwin Gray, Bolling Hall, Jacob Hufty, Richard Jackson, jun., Joseph Kent, Abner Lacock, Lyman Law, Joseph Lewis, jun., William Lowndes, Archibald McBryde, Samuel McKee, Alexander McKim, James Milnor, Samuel L. Mitchill, Jonathan O. Moseley, Hugh Nelson, Thos. Newbold, Joseph Pearson, Timothy Pitkin, jr., James Pleasants, jr., Elisha R. Potter, Josiah Quincy, Wm. Reed, Wm. M. Richardson, Henry M. Ridgely, Wm. Rodman, Thos. Sammons, Lemuel Sawyer, Adam Seybert, Daniel Sheffey, Richard Stanford, Philip Stuart, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Uri Tracy, Charles Turner, junior, Pierre Van Cortlandt, Laban Wheaton, Leonard White, William Widgery, and Thomas Wilson—62.

Mr. LITTLE, after some prefatory remarks, moved that the words "ordered and placed at the risk of American citizens prior to the 2d day of November, 1810," be inserted in the bill.

Mr. NELSON rose, and in a speech of some length entered into an animated discussion of the policy of the bill; in which he declared himself in favor of extending relief to the merchants, and against any discrimination.

Several motions to adjourn were made without success.

The question on Mr. LITTLE's motion was taken and lost—ayes 45.

The question was then taken by yeas and nays, on ordering the bill to a third reading, and carried—62 to 58, as follows:

YEAS—Willis Alston, junior, Ezekiel Bacon, John Baker, Abijah Bigelow, Harmanus Bleecker, James Breckenridge, Elijah Brigham, William A. Burwell, John C. Calhoun, Francis Carr, Epaphroditus Champion, Langdon Cheves, Martin Chittenden, Thomas B. Cooke, John Davenport, junior, William Ely, James Emott, James Fisk, Asa Fitch, Thomas R.

Gold, Charles Goldsborough, Edwin Gray, Isaiah L. Green, Jacob Hufty, Richard Jackson, junior, Joseph Kent, Lyman Law, Joseph Lewis, junior, William Lowndes, Archibald McBryde, Alexander McKim, James Milnor, Samuel L. Mitchill, Jonathan O. Moseley, Hugh Nelson, Joseph Pearson, Timothy Pitkin, junior, James Pleasants, junior, Elisha R. Potter, Josiah Quincy, William Reed, William M. Richardson, Henry M. Ridgely, William Rodman, Thomas Sammons, Lemuel Sawyer, Adam Seybert, Daniel Sheffey, Richard Stanford, Philip Stuart, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Uri Tracy, Charles Turner, junior, Pierre Van Cortlandt, Laban Wheaton, Leonard White, David R. Williams, William Widgery, and Thomas Wilson—62.

NAYS—William Anderson, David Bard, William Barnett, Burwell Bassett, William W. Bibb, William Blackledge, Adam Boyd, Robert Brown, William Butler, Matthew Clay, James Cochran, John Clopton, Lewis Condict, William Crawford, Roger Davis, John Dawson, Joseph Desha, Samuel Dinsmoor, Elias Earle, William Findley, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Felix Grundy, Bolling Hall, Obed Hall, John A. Harper, Aylett Hawes, John M. Hyneman, Richard M. Johnson, William R. King, Abner Lacock, Peter Little, Aaron Lyle, Nathaniel Macon, George C Maxwell, Thomas Moore, William McCoy, Samuel McKee, James Morgan, Jeremiah Morrow, Thomas Newton, Stephen Ormsby, Israel Pickens, Benjamin Pond, Samuel Ringgold, John Rhea, John Roane, Jonathan Roberts, Ebenezer Seaver, Samuel Shaw, George Smith, John Smith, William Strong, John Taliaferro, George M. Troup, Robert Whitehill, and Richard Winn.

WEDNESDAY, December 23.

Another member, to wit: from Louisiana, THOMAS BOLLING ROBERTSON, appeared, produced his credentials, was qualified, and took his seat.

Mr. GHOLSON, from the Committee of Claims, made a report on the petition of Joseph Hodgson, praying indemnification for a loss sustained by fire of a building, at the time (1800) occupied by the War Department. [The report declares the petition reasonable, and that it ought to be granted.] Committed to a Committee of the Whole.

INCREASE OF THE NAVY.

The bill from the Senate to increase the Navy of the United States, was read a third time; and the question being stated, "Shall the bill pass?"

Mr. McKEE spoke at considerable length against its passage, and concluded by moving to postpone it to Monday, with a view to obtaining further information on the subject of the materials, &c.

The motion to postpone was supported by Mr. ALSTON and Mr. SEYBERT, and opposed by Mr. MILNOR, Mr. BASSETT, and Mr. WIDGERY. The votes were for postponement 51, against it 73, as follows:

YEAS—Willis Alston, jr., William Anderson, Daniel Avery, David Bard, William Barnett, William W. Bibb, Adam Boyd, Robert Brown, William Butler, Matthew Clay, James Cochran, John Clopton, William Crawford, Roger Davis, Joseph Desha, Samuel Dinsmoor, Elias Earle, William Findley, James Fisk, Meshack Franklin, Edwin Gray, Felix Grundy, Bolling Hall, Obed Hall, Jacob Hufty, John M. Hyneman, Richard M. Johnson, Abner Lacock, Aaron Lyle, Nathaniel Macon, Thomas Moore, Wm. McCoy, Samuel McKee, James Morgan, Jeremiah Morrow, Stephen Ormsby, Israel Pickens, Benjamin Pond, John Randolph, Thomas B. Robertson, John Rhea, John Roane, Jonathan Roberts, William Rodman, Ebenezer Sage, Ebenezer Seaver, Adam Seybert, George Smith, Richard Stanford, William Strong, and Robert Whitehill—51.

NAYS—Ezekiel Bacon, John Baker, Burwell Bassett, Abijah Bigelow, William Blackledge, Harmanus Bleecker, James Breckenridge, Elijah Brigham, William A. Burwell, John C. Calhoun, Francis Carr, Epaphroditus Champion, Langdon Cheves, Martin Chittenden, Thomas B. Cooke, Lewis Condict, John Davenport, jun., John Dawson, William Ely, James Emott, Asa Fitch, Thomas Gholson, Thomas R. Gold, Charles Goldsborough, Peterson Goodwyn, Isaiah L. Green, John A. Harper, Aylett Hawes, Richard Jackson, jr. Joseph Kent, William R. King, Lyman Law, Joseph Lewis, jr., Peter Little, William Lowndes, George C. Maxwell, Archibald McBryde, Alexander McKim, James Milnor, Samuel L. Mitchill, Jonathan O. Moseley, Hugh Nelson, Anthony New, Thomas Newbold, Thomas Newton, Joseph Pearson, Timothy Pitkin, junior, James Pleasants, junior, Elisha R. Potter, Josiah Quincy, William Reed, William M. Richardson, Henry M. Ridgely, Samuel Ringgold, Thomas Sammons, Lemuel Sawyer, Daniel Sheffey, John Smith, Philip Stuart, Silas Stow, Lewis B. Sturges, Samuel Taggart, John Taliaferro, Benjamin Tallmadge, Uri Tracy, George M. Troup, Charles Turner, jr., Pierre Van Cortlandt, Laban Wheaton, Leonard White, William Widgery, Thomas Wilson, Richard Winn—73.

So the motion was lost.

The question recurring on the passage of the bill,

Mr. POTTER said, as he represented a commercial State, and his constituents at present were very anxious for a navy, he felt it his duty to assign his reasons for the vote he was about to give. He said, when he saw his political friends, with only one exception, in favor of the bill under consideration, and the anxious solicitude of the gentleman on the other side of the House for its fate, he felt himself much embarrassed; but while he was by his feelings at times almost impelled to vote in its favor, his judgment compelled him to vote against it.

Mr. P. said, his objections to a navy were that it would cost more than ever it would be worth to the nation; that we could not build, man, and support the ships contemplated, in addition to our present establishment, without resorting to the same means for their support as other maritime nations had done; that it must be supported by impression or oppression; we must either impress our citizens to man our Navy, and compel them to serve against their wills for almost nothing, or oppress the nation with taxes not to be endured, to enable the Government to give such wages as would induce our seamen to enter voluntarily into our service. He said it had been observed by the friends of the bill, and particularly by his friend from Pennsylvania, (Mr. MILNOR,) that the Navy was at this time very popular with all parties, in this House and the nation; that they had done honor to themselves and to their country, while our

Army had, in almost every instance, been defeated and disgraced. Mr. P. said we had been very unfortunate in the selection of some of our commanding officers; who had, as it would seem, been appointed more because they wanted office, than because they were qualified for it; some of them were too old, and others too young; but he believed we had as good officers in our Army as we had in the Navy, and whenever the time should arrive that would afford them a fair opportunity, that they would equally distinguish themselves.

Mr. P. said there was a kind of popular delusion at this time about a Navy, that he found difficult to oppose. He said it was at least popular with all those who expected to make money out of it, and with many from the most honorable motives. But he believed, when the people, who were to pay all, and receive nothing, come to see that we had spent for them the last year upwards of twenty millions of dollars, and that notwithstanding all the moneys we had received, by double duties, and otherwise, that we had increased the national debt in that year, ten millions six hundred thousand dollars, and that we want, for the expenses of the present year, agreeably to the report of the Secretary of the Treasury, $31,925,000, exclusive of the expense of the contemplated increase of our Navy, and for losses and war contingencies—that when they should put those sums together, and apportion them to the several States, agreeable to the Constitution, and see that but few individuals, and not many States, would have personal property sufficient to pay their proportions—that this delusion as to those who have eventually all this money to pay would at least vanish. Mr. P. said, that his friend from Pennsylvania (Mr. MILNOR) had no doubt but money could be borrowed, for the purposes of a navy, and in his anxiety for the fate of this bill seemed almost willing to guarantee to that extent, but would not extend his guarantee farther. Mr. P. said it was for the interest of those who had money, to loan it; they expected their interest annually, and their principal according to agreement; not so with those who will have to repay all those loans, by taxation, they expect neither interest nor principal again. He said that this business of borrowing money to answer all the purposes of the Government, to build a navy, raise and support an army, and carry on war, without regard to the sum, and without providing in the least degree the means of repayment, either principal or interest, made him think of a man who sent an agent to purchase some property for him, who on his return began to talk about the price; the man became impatient, and said he did not want to hear about the price, the only thing he wanted to know was, whether the man would trust him and take his note. It would seem that we were going upon the same principles; we do not consider whether the people would be willing to pay the sums contemplated for the objects in view; the only question that seems to present itself is, can we borrow the money?

It had been said that in certain parts of the United States that not only the recruiting service, but loans to the Government, for the purposes of carrying on the war, had been discouraged. Mr. P. said, if all those who had money were desirous to lend it, as was generally the case, we should find that the unemployed capital in the United States, had been very much overrated, as well as the strength of the country for the purpose of carrying on a war; that there were many rich men in the United States, but their property consisted in lands, houses, stores, wharves, and ships, which were now of little value, compared with their former valuations. But why, said he, complain of those who were opposed to the war, and who suffer the most by it, because they will not lend their money to carry it on? It would have seemed, before the war was declared, from addresses from States and public meetings, pledging and promising their support to the Administration, that nine-tenths of the people were in favor of the war; why don't they now come forward and make good their promises, and help them along with it, and not depend upon the pecuniary aid of those opposed to it?

It was likewise said that the spirit of the nation demanded this increase of our Navy. He remembered very well that it was so said on a former occasion, and that the finger of Heaven pointed to war, but it was very soon found that the finger of the people pointed to peace. It was then said, as it is now said, that we were a divided people, and it was necessary to convince foreign nations that we would support our own Government. The then Executive was addressed from all parts of the United States, with pledges of life, fortune, and sacred honor, in support of what he had done, or should do. This was intended to correct the error abroad as to our being a divided people, and for no other purpose. Its object was entirely misunderstood by the then President. He thought they were uneasy and wanted something to steady them. An army was raised, and taxes laid for their benefit;—a navy was provided which did honor to themselves and the nation, that protected our commerce, and caused our flag to be respected in every sea, in consequence of which our revenue continued to increase, notwithstanding all the depredations committed on our commerce, and the nation appeared to be prosperous and happy; but when the people were called upon to test the sincerity of their pledges and promises, by the payment of a tax of only two millions of dollars, they said they had been entirely misunderstood, that those pledges were intended to have an influence abroad, and not for the purpose of trouble at home, and that they would not pay taxes to support a navy or army; and, the first opportunity they had, they changed the Administration. If they would not then pay two millions of dollars, to support that Administration, can they be expected to pay nearly fifty millions for the support of this, for the same purposes?

Mr. P. said, this Administration, during the last session of Congress, was addressed from all parts of the Union, and from many of the States in their legislative capacities, promising to sup-

port them with their lives, fortunes, and sacred honors, in common form. This perhaps was to have its influence abroad. The Administration, believing them sincere, have been induced to declare war, and are left to carry it on without money. They find that those pledges and promises cost but little, and are worth nothing; and the consequence will be, that when the people are called upon to pay those enormous expenses, the present Administration will share the same fate from them as the former did.

The gentleman from Massachusetts (Mr. CUTTS) said the expense of this Navy would swamp the present, as it had done a former Administration; that, Mr. P. said, was a business of their own, it was no concern of his; but if with their means they could not manage the affairs of the nation, with their present experience, having seen the rock on which a former Administration split, they would richly deserve it; his only object was to keep his constituents from being mired down with debt and taxes.

One reason for this Navy was, that it was to protect our commerce. Mr. P. said we had none that was worth having, except direct to our enemy, and that needed no protection; our commerce to France was not worth having, nor had many vessels gone there, and only one returned for some time past, and that may have been permitted to make a good voyage, and return to decoy others, and as soon as the Emperor had property in his possession to make it worth his while to make a decree to confiscate it, we may expect to hear of one dated at Moscow, or wherever he may happen to be, and that will be the last we may expect from it. As to our commerce to Spain and Portugal, it may be pretended that those places were neutral; he said they were as much in the possession, and under the control of the English, as Holland was under France; and what said he, was the fact—vessels were clearing out from Alexandria, and other ports of the United States, according to law, direct for Lisbon, with bread stuffs, to feed the English fleet and army, when it was very much wanted for the consumption of the people of the United States; and when he believed it cost only five per cent. to insure to Lisbon, when it was worth twenty to insure to the Eastern States; the consequence was that the English could supply Halifax with flour, by the way of Lisbon, cheaper than the Eastern States could be furnished. He said, although opposed to restrictions in time of peace, he was in favor of them in time of war, and at any rate he never would lend his aid to support a policy that would starve ourselves and feed our enemies.

Mr. P. had heard it said, that we were to operate upon the British Government through their manufactures, and he said, they in their turn were now operating upon our Government through our great wheat-raising States; for if the Government dare not prevent these people from selling their flour and corn, to go directly to feed the fleets and armies of our enemies, for fear of political consequences, if they will bear no restraint in that respect, and the people of the United States will neither bear privations, or pay taxes to support the Administration in the contest, they will have found out, when too late, that they have been deceived, and had better not have made war, and that they had better get out of it as soon as they can—as it would now seem to appear that the people have less of the hostile, and more of the Christian spirit, towards the English since the war, than before, at least as far as the injunction to feed their enemies would go.

Another reason for the increase of the Navy at this time, was to carry on the war in which we are engaged. Mr. P. said, many of the causes of irritation between the two nations had been done away long since, and the principal cause of war removed, about the time it was declared. He said, that our difficulties with the English, as well as he could remember, had been four—the carrying trade, the affair of the Chesapeake, the Orders in Council, and the impressment of our seamen. The first has been done away, as the English have taken all the colonies of their enemy. The second has been settled to the satisfaction of the Administration long since, and very lately that foul stain on the American flag and character has been wiped off by our Navy, in a manner honorable to them, and satisfactory to the nation. As it respected the Orders in Council, which he considered the principal cause of the war, he believed there were not many gentlemen who would say, if the news of repeal had reached this country before the declaration of war, but that we should now have been in peace; if then a majority could not be found to declare war for the present existing cause, why continue it, when the principal cause is removed?

It now remains for the nation to determine, whether they will impress their own citizens to go into the Navy, and draught them to go into the Army, and to oppress all to pay taxes, and to fight Great Britain until she will relinquish a right she claims to search our merchant vessels, to take out her own subjects, to help her to fight her own battles. Mr. P. said, he was willing to protect those people, as long as they would remain within our territorial jurisdiction, where we have the means to do it, but as soon as they went beyond that, and went where their old master was prowling in every direction, if they got taken he would not go to war for them, nor be at the expense of one cent, to reclaim the whole of them.

Many gentlemen support this bill upon the principle that this settles the question; that we are to become a great naval Power, and to have a permanent Naval Establishment; to this Mr. P. said, he objected for the reasons he had assigned; he said, he had found mankind much the same: give them power, and they would not only use, but abuse it—give them money and they will spend it, and want to borrow; and, he said, if an Administration like the present, without money, without an army, or navy, would plunge this country so unprepared into a war, and continue it for the present existing cause, and extend their views of conquest to the Floridas, the Canadas,

Quebec, Halifax, and Nova Scotia, whenever they should have money, an army, and ships; the next thing they would want colonies, as other nations had done, and that Bermuda and New Providence would be in our way; and we must have Jamaica to get good rum and sugar. And instead of this country enjoying peace, which is above all things the most desirable, we should be involved like other nations in perpetual war.

Mr. P. said, that although many things had taken place, that, at the time, he considered against the true interest of this country, yet he now considered them as operating for our good, and that he could not believe that we were now as we had been, the peculiar favorites of Heaven; he considered it unwise in Congress when they refused to renew the charter of the United States Bank, and double its capital, and equally so, in not repealing the non-importation act, but he began to think that these two measures would turn out ultimately for the benefit of the people. The repeal of the law would not only have given our merchants an opportunity to get home their property, bought and paid for, (which they have done without a repeal,) but to have got credit to a large amount, which would have given the Administration such a revenue, together with the management of such a bank capital, that it would have enabled them to build ships, raise armies, and to have continued this war for some time, independent of the people, and they not have known the danger they might have been in until too late, in consequence of a large standing army with an ambitious military chief at their head, and who they would find more difficulty in removing than they did the members of that House, by exercising their Constitutional privileges at an election.

Mr. P. said the Chairman of the Naval Committee deserved much for his perseverance and zeal in favor of the bill under consideration; he said he wished he could reconcile it to his judgment and sense of duty to vote for it, but as it would increase very much the sums of money wanted for the purposes of the Government for this year, and as he had been opposed to the war from its commencement, and did not intend to vote either for loans or taxes to carry it on, or to help them in their pecuniary concerns, he would not vote for any thing that would embarrass or increase them.

Mr. RANDOLPH moved to postpone the further consideration of the bill till to-morrow.—Lost.

The question on the passage of the bill was decided as follows:

YEAS—Willis Alston, jr., William Anderson, John Baker, Burwell Bassett, Abijah Bigelow, Wm. Blackledge, Harmanus Bleecker, James Breckenridge, Elijah Brigham, John C. Calhoun, Francis Carr, Langdon Cheves, Martin Chittenden, Thomas B. Cooke, Lewis Condict, Richard Cutts, John Davenport, jun., John Dawson, William Ely, James Emott, Asa Fitch, Thomas Gholson, Thomas R. Gold, Charles Goldsborough, Peterson Goodwyn, Felix Grundy, John A. Harper, Aylett Hawes, Richard Jackson, jun., Joseph Kent, Lyman Law, Joseph Lewis, jun., Peter Little, William Lowndes, Archibald McBryde, Alexander McKim, James Milnor, Samuel L. Mitchill, Jonathan O. Moseley, Hugh Nelson, Thomas Newton, Joseph Pearson, Timothy Pitkin, jun., James Pleasants, jun., Josiah Quincy, William Reed, William M. Richardson, Henry M. Ridgely, Samuel Ringgold, Thomas B. Robertson, Thomas Sammons, Lemuel Sawyer, Adam Seybert, Daniel Sheffey, George Smith, John Smith, Philip Stuart, Silas Stow, Lewis B. Sturges, Samuel Taggart, John Taliaferro, Benjamin Tallmadge, Uri Tracy, George M. Troup, Charles Turner, jr., Pierre Van Cortlandt, Laban Wheaton, Leonard White, William Widgery, and Thomas Wilson—70.

NAYS—Daniel Avery, Ezekiel Bacon, David Bard, William Barnett, William W. Bibb, Adam Boyd, Robert Brown, William A. Burwell, William Butler, Epaphroditus Champion, Matthew Clay, James Cochran, John Clopton, William Crawford, Roger Davis, Joseph Desha, Samuel Dinsmoor, Elias Earle, William Findley, James Fisk, Meshack Franklin, Edwin Gray, Isaiah L. Green, Bolling Hall, Obed Hall, Jacob Hufty, John M. Hyneman, Richard M. Johnson, Abner Lacock, Aaron Lyle, Nathaniel Macon, George C. Maxwell, Thomas Moore, William McCoy, Samuel McKee, James Morgan, Jeremiah Morrow, Anthony New, Thomas Newbold, Stephen Ormsby, Israel Pickens, Benj'n Pond, Elisha R. Potter, John Randolph, John Rhea, John Roane, Jonathan Roberts, William Rodman, Ebenezer Sage, Ebenezer Seaver, Samuel Shaw, Richard Stanford, William Strong, Robert Whitehill, David R. Williams, and Richard Winn—56.

So the bill was passed.

MERCHANTS' BONDS.

The bill from the Senate directing the Secretary of the Treasury to remit fines, penalties, and forfeitures, in certain cases, was read a third time; and the question being stated, Shall the bill pass?

Mr. CHEVES stated, that a doubt had arisen in the minds of some gentlemen, and a communication had been received from the proper officer of the Government on the subject, whether, as the importations had been contrary to law, the payment of the duties thereon could be enforced after the passage of the bill. He therefore proposed, under the direction of the Committee of Ways and Means, to amend the bill by striking out therefrom the words "and the duties payable on such goods, wares, and merchandise, being paid and secured to be paid, agreeably to law," and inserting the words "on payment of the duties which would have been payable by law, had such goods, wares, and merchandise, been legally imported."

This amendment, at this stage of the bill's passage, requires unanimous consent, which was accorded by the House, after a few observations from Mr. BIBB, who stated, that, although a majority of the Committee of Ways and Means were opposed to the bill, they had unanimously concurred in the proposed amendment.

Mr. ROBERTS opposed the passage of the bill, as well on account of its general principles, as of the difficulty of legislating on it.

Mr. CHEVES replied.

The question was then taken on the final passage of the bill, and decided as follows:

YEAS—Willis Alston, jr., Ezekiel Bacon, John Baker, Abijah Bigelow, Harmanus Bleecker, Jas. Breck-

enridge, Elijah Brigham, William A. Burwell, John C. Calhoun, Francis Carr, Epaphroditus Champion, Langdon Cheves, Martin Chittenden, Thos. B. Cooke, John Davenport, jr., William Ely, James Emott, Asa Fitch, Thomas R. Gold, Charles Goldsborough, Edwin Gray, Isaiah L. Green, Jacob Hufty, Richard Jackson, junior, Joseph Kent, Lyman Law, Joseph Lewis, jun., William Lowndes, Archibald McBryde, Alex'r McKim, James Milnor, Samuel L. Mitchill, Jonathan O. Moseley, Hugh Nelson, Thomas Newbold, Joseph Pearson, Timothy Pitkin, jun., James Pleasants, jun., Elisha R. Potter, Josiah Quincy, John Randolph, William Reed, William M. Richardson, Henry M. Ridgely, Thomas B. Robertson, William Rodman, Thomas Sammons, Lemuel Sawyer, Adam Seybert, Daniel Sheffey, Richard Stanford, Philip Stuart, Silas Stow, Lewis B. Sturges, Samuel Taggart, Benj'n Tallmadge, Uri Tracy, Chas. Turner, jr., Pierre Van Cortlandt, Laban Wheaton, Leonard White, David R. Williams, William Widgery, and Thomas Wilson—64.

Nays—William Anderson, Daniel Avery, David Bard, William Barnett, Burwell Bassett, William W. Bibb, William Blackledge, Adam Boyd, Robert Brown, William Butler, Matthew Clay, James Cochran, John Clopton, Lewis Condict, William Crawford, Roger Davis, John Dawson, Joseph Desha, Sam'l Dinsmoor, Elias Earle, William Findley, James Fisk, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Felix Grundy, Bolling Hall, Obed Hall, John A. Harper, Aylett Hawes, John M. Hyneman, Richard M. Johnson, Wm. R. King, Abner Lacock, Peter Little, Aaron Lyle, Nathaniel Macon, George U. Maxwell, Thomas Moore, William McCoy, Samuel McKee, James Morgan, Jeremiah Morrow, Anthony New, Thomas Newton, Stephen Ormsby, Israel Pickens, Benjamin Pond, Samuel Ringgold, John Rhea, John Roane, Jonathan Roberts, Ebenezer Sage, Ebenezer Seaver, Samuel Shaw, George Smith, John Smith, William Strong, John Taliaferro, George M. Troup, and Robert Whitehill—61.

So it was determined that the bill shall pass.

MEDAL TO COMMODORE PREBLE, &c.

The following Message was received from the President of the United States:

To the House of Representatives of the United States:

I transmit to the House of Representatives a report of the Secretary of the Navy, complying with their resolution of the 16th instant.

JAMES MADISON.

December 23, 1812.

The following is the report referred to in the above Message:

Navy Department, *Dec.* 21, 1812.

Sir: On the subject of the resolution of the honorable the House of Representatives, of the 16th instant, I have the honor to state, that, in pursuance of the resolution of Congress of the 3d March, 1805, a gold medal, emblematical of the attacks on the town, batteries, and naval force, of Tripoli, by the squadron under Commodore Preble's command, was presented to Commodore Preble, in the manner stated in the enclosed letter, dated May 17, 1806: That one month's pay was allowed, "exclusive of the common allowance, to all the petty officers, seamen, and marines, of the squadron, who so gloriously supported the honor of the American flag, under the orders of their gallant commander, in the several attacks:" That no sword has been presented to either of the commissioned officers or midshipmen, who distinguished themselves in the several attacks: And that it is not known to this Department that there ever was made by Congress a specific appropriation of $20,000 for the purpose of carrying into effect the resolution referred to.

With respect to that part of the resolution which requests the President to cause a sword to be presented to each of the commissioned officers and midshipmen who distinguished themselves, it is presumed that the President saw what to his mind appeared difficulties of great delicacy, from the peculiar language of the resolution. By the resolution, he was requested to present swords to such only as had distinguished themselves; and all having been represented to him as having acted gloriously, he could not in justice draw with precision a line of discrimination. He felt, it is presumed, a repugnance to the making of a selection, which, by implication, would necessarily have cast an unmerited reproach upon all not therein included. A degradation of that kind might have greatly injured the service, and could not possibly have been grateful to the honorable feelings of the favored officers.

I have the honor to be, with the greatest respect, your obedient servant, PAUL HAMILTON.

To the President.

Navy Department, *May* 17, 1812.

Sir: In pursuance of the resolution of Congress of the 3d March, 1805, requesting the President of the United States to cause a gold medal to be struck, emblematical of the attacks on the town, batteries, and naval force, of Tripoli, by the squadron under your command, and to present it to you in such manner as in his opinion would be most honorable to you, the medal, which will herewith be delivered to you by Lieutenant Jones, has been struck. You will receive it, sir, as a testimony of your country's estimation of the important and honorable services rendered by you; and you will be pleased to accept an assurance of the great pleasure I have in the honor of presenting it to you.

I have the honor to be, with great respect, sir, your most obedient servant, R. SMITH.

To Com. Edward Preble.

From the records of the Navy Department.
PAUL HAMILTON.

After some conversation as to the proper course for this business to take, it was referred to a select committee, to consist of seven members, to consider and report thereon.

Mr. Quincy, Mr. Randolph, Mr. Roane, Mr. Lacock, Mr. Troup, Mr. Emott, and Mr. Dinsmoor, were appointed the committee.

Thursday, December 24.

Mr. Morrow, from the Committee on the Public Lands, presented a bill concerning the lead mines in the Territory of Missouri; which was read twice and committed to a Committee of the Whole on Monday next.

Mr. Williams, from the Committee on Military Affairs, presented a bill in addition to the act, entitled "An act to raise an additional military force," and for other purposes; which was read twice and committed to a Committee of the Whole on Monday next.

Mr. Williams, from the same committee, also

presented a bill supplementary to the act, entitled "An act for the more perfect organization of the Army of the United States;" which was read and committed to a Committee of the Whole on Monday next.

A message from the Senate informed the House that the Senate have passed a bill "in addition to the act concerning letters of marque, prizes, and prize goods," with an amendment; in which they desire the concurrence of this House.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting his report in relation to the execution of the act for arming the militia of the United States, made in obedience to a resolution of the seventh instant; which was read, and ordered to lie on the table.

[It appears from the report that stands of arms have been issued to the following States, viz: to New Hampshire 1,000; to Vermont, 2,500; Rhode Island 1,000; New Jersey, 1,000; Delaware 500; North Carolina 2,130; South Carolina 2,000; Georgia 1,000; Ohio 1,500; Kentucky 1,500; Tennessee 1,500; Illinois Territory 216; Louisiana Territory 250; in all 16,096 stands;—and that there have been loaned, as follows: to Rhode Island 250; Delaware 650; Ohio 3,500; District of Columbia 2,200. Contracts have been made under the law for 85,200 stands, of which 53,560 had been delvered by the contractors on the 7th October, 1812.]

On motion of Mr. JENNINGS,

Resolved, That the President of the United States be, and he is hereby, requested to cause to be laid before this House a statement of the amount of merchandise or other articles purchased for and furnished the Indians, by the Superintendent of Indian Affairs, in the Indiana Territory, subsequent to the first day of January, 1803, and prior to the first day of January, 1812; distinguishing the different dates of the purchases, of whom and by whom purchased, and for what tribe or tribes of Indians.

Ordered, That Mr. JENNINGS and Mr. BOND be a committee to present the said resolution to the President of the United States.

The amendments of the Senate to the bill "in addition to the act concerning letters of marque, prizes, and prize goods," were read, and referred to the Committee on Naval Affairs.

On motion of Mr. RANDOLPH,

Resolved, That the Secretary of the Treasury be directed to lay before this House a statement of the annual revenue of the United States, from the commencement of the Federal Government until the present time; distinguishing the amount received from the duties on imports and tonnage; after deducting therefrom the amount which may in any year have been paid on account of debentures; from internal taxes, from direct taxes, from sale of lands, and from all other sources. Also an account, within the same period, of the annual expenditures on account of the Army, distinguishing the amount of expense of the Indian Department, the Navy, foreign intercourse; distinguishing the amount on account of Barbary Powers, and of other civil expenses on account of the civil list.

The House resolved itself into a Committee of the Whole, on the resolution expressive of the sense of the House of the gallantry and good conduct of Captains Hull, Jones, and Decatur, and their respective crews, in their late conflicts with the enemy.

The resolution was amended, reported to the House, and ordered to be engrossed for a third reading.

Mr. RANDOLPH, on whose suggestion the phraseology of the resolve had been amended in Committee of the Whole, moved now to recommit it to a select committee.—Motion negatived.

The House adjourned to Monday.

MONDAY, December 28.

Mr. MORROW, from the Committee on the Public Lands, made a report on the petition of sundry inhabitants of the Illinois Territory; which was read: When Mr. MORROW, from the same committee, presented a bill giving a right of pre-emption to certain settlers on public lands in the Illinois Territory; which was read twice and committed to a Committee of the Whole on Monday next.

The engrossed joint resolution of approbation and thanks to our naval heroes, Hull, Decatur, and Jones, was read a third time, and passed.

On motion of Mr. LACOCK, the bill to amend the naturalization laws of the United States was recommitted to a Committee of the Whole, for the purpose of amendment.

On motion of Mr. RHEA, the House resolved itself into a Committee of the Whole on the bill authorizing the Postmaster General to establish post-roads in certain cases. [Between the seat of Government and the headquarters of the armies, &c.]

Some objections were made by Mr. TALLMADGE to the indefinite phraseology of the bill, and replied to by Mr RHEA, but no motion for amendment was made.

The bill was reported to the House, and ordered to be engrossed for a third reading.

On motion of Mr. BASSETT the House resolved itself into a Committee of the Whole on the bill providing for navy pensions in certain cases; which was reported to the House and ordered to be engrossed for a third reading.

PUBLIC LANDS.

The House resolved itself into a Committee of the Whole on the report of the Committee on the Public Lands, made on the second instant, respecting an extension of the time limited by law for the payment of lands purchased of the United States.

The report concludes with the following resolutions, the adoption of which the Committee recommend:

"*Resolved*, That such part of the laws for the sale of public lands as allow a credit on part of the purchase money, be repealed; and that the price at which lands shall be offered in future shall be one dollar and twenty-five cents per acre.

"*Resolved*, That in future sales a portion of the public lands be offered in tracts of eighty acres.

"*Resolved*, That two years be given in addition to the time allowed by law to the purchasers of public lands, whose time of payment shall have or may expire on or before the first day of January, 1814, on condition that all the interest that has accrued or may accrue on or before the 18th day of March next, shall be paid at that day, and the interest that may become due thereafter shall be paid at the day on which the time, according to existing laws, shall expire for making payment."

Considerable desultory debate took place on these propositions; but the Committee rose without coming to any decision thereon, and obtained leave to sit again.

TUESDAY, December 29.

Mr. LEWIS, from the Committee for the District of Columbia, presented a bill to incorporate the Columbian Insurance Company, in Alexandria, in the District of Columbia; which was read twice and committed to a Committee of the Whole on Thursday next.

Mr. WILLIAMS, from the Committee on Military Affairs, presented a bill making provision for an additional number of General officers; which was read twice and committed to the Committee of the Whole on the bill supplementary to the act, entitled "An act for the more perfect organization of the Army of the United States."

On motion of Mr. WILLIAMS, the Committee of the Whole to whom is committed the bill in addition to the act, entitled "An act to raise an additional military force," and for other purposes, were discharged from the consideration of the said bill, and it was committed to the Committee of the Whole last mentioned.

IMPORTATIONS FROM INDIA.

Mr. CHEVES, from the Committee of Ways and Means, to whom were referred the petitions of Simon Forrester, David D. Pulsifer, and Boardman and Pope, and others, importers of goods, wares, and merchandise, from British settlements beyond the Cape of Good Hope, praying to be permitted, on securing the duties payable on such goods, when legally imported, to sell and dispose of them, and so forth; also, a bill from the Senate, embracing the cases of the petitioners, reported the said bill, with sundry amendments; also, sundry documents explanatory of the subject; which were read, and committed to a Committee of the Whole.

The documents are as follow:

TREASURY DEPARTMENT, *Dec.* 10, 1812.

SIR: I have the honor, in compliance with the request of the Committee of Ways and Means, to submit such information as appears to have been received at this office concerning the importations from any of the ports of India, since the commencement of the operation of the non-importation act.

It will be recollected, that all the vessels which had cleared from the United States for any port beyond the Cape of Good Hope, prior to the 10th of November, 1810, were, by the non-importation act, of 2d March, 1811, exempted from its general provisions, and permitted to import their return cargoes. Of those cargoes, as they were entered without difficulty, no particular account has been received; and it is presumed that they were not intended to be embraced by the inquiry of the committee.

It is also possible that, on the subject of some of the importations, not permitted by the act above-mentioned, letters may have been received from the parties, and that their names, not being recollected, and no regular application for a remission of the forfeiture having been made, some of the cases thus communicated may now be accidentally omitted. Nor is it probable that application should have generally been made to the Treasury respecting vessels admitted to entry by virtue of the act of 5th of July last, since it was evident, by the tenor of that act, that the ultimate disposition of the cargoes depended on a future act of Congress, and not in any degree on the Secretary of the Treasury. Indeed, it is known, from report, that two vessels of that description have arrived, of which no official information has been received.

The following cases have been officially communicated, viz:

The ship "Amiable" sailed from Philadelphia for the Isle of France, on the 22d of December, 1810; arrived at that place subsequent to its capture by the British, and returned to Philadelphia in August, 1811, with a cargo, the produce of that island. On application to the Treasury for a remission, it being certified by the district judge that the capture of the Isle of France by the British, which took place early in December, 1810, was not known at Philadelphia till the 2d of April, 1811, the forfeiture was unconditionally remitted.

The ship "Lark" also sailed for Isle of France on the 3d of January, 1811; arrived there, and returned to Philadelphia a few days after, and under the same circumstances as the ship "Amiable," with the exception of her having brought a small parcel of merchandise, presumed to be manufactures of British India, and which had been originally shipped, at the Isle of France, on board of another vessel, bound to Philadelphia, as early as October, 1810, but was detained in port by reason of the attack and capture of the island by the British. On application to the Treasury for a remission, the forfeiture was unconditionally remitted, "except so far as relates to any articles of the produce or manufacture of any British possessions, other than the Isle of France, which may have been imported in the said vessel, the decision, in relation to such articles, being for the present suspended." It is not known whether that merchandise has been condemned, as there was some doubt as to the place where manufactured; but, if condemned, a remission will probably be granted on terms at least as favorable as in the case of the "South Carolina," hereafter mentioned.

The brig "South Carolina" sailed from Philadelphia for Calcutta, on the 26th of December, 1810, with about $23,000 on board, stated to have been shipped for the purpose of covering the expenses of the voyage, in case of a disappointment in the object of the said voyage, which was undertaken in order to bring from Calcutta the proceeds of funds, wholly belonging to citizens of the United States, and which were in British India prior to the President's proclamation of the 2d of November, 1810. The vessel, with a return cargo, (purchased with the said funds and outward cargo,) sailed from Calcutta in October, 1811, bound

to Philadelphia. The owners expecting the vessel, and finding the non-importation act still in force, employed pilots in the bay of Delaware, for the purpose of warning the vessel not to enter into the waters of the United States; but the vessel was compelled, by stress of water, to enter the port of Charleston, (where she arrived on the 27th of January, 1812,) instead of proceeding to Philadelphia. On application to the Treasury for a remission, and the above-mentioned facts being proved to the satisfaction of the district judge, and stated by him to be correct and true, the forfeitures were remitted, on condition "that, from the proceeds of sale of the cargo, the costs and double duties, as fixed by the act of first of July, 1812, should be deducted; that the residue, if not exceeding the prime cost, freight, and charges, of said cargo, should be returned to the owners; but, in case of excess, so much only of the said residue as would be equal to the said prime cost, freight, and charges, should be returned to the owners; and that the balance, or surplus, should be divided in the same manner as the forfeiture would have been." The result of the sales is not known at the Treasury; but there is reason to believe that they have not produced any surplus, and that the effects of the decision have only been the payment of double duties, and, in every other respect, an unqualified remission of the forfeitures.

The brig "Ellen Maria" sailed on the 10th of January, 1812, from Providence for the Isle of France, then a British colony, and thence bound, as is stated, for Smyrna. On her return voyage, and being informed at sea of the declaration of war, she proceeded to Boston, where she arrived prior to the 16th of September, 1812. No bond having been required at the Isle of France to land the cargo in the United States, the vessel is not embraced by the provisions of the act of 5th July last. The owners, from whom this statement of facts is obtained, have been informed that the Secretary of the Treasury had no authority to grant relief, except in the manner prescribed by law, viz: on application for remission, presented through the district judge, on whose statement of facts, alone, the Secretary of the Treasury could take the subject into consideration. No application has, as yet, been received.

The brig "Aurora" sailed in July, 1809, from New York, being cleared for Brazil alone, but with instructions to the captain to proceed thence to the South sea, and ultimately to Canton or Manilla. The vessel not being cleared for a port beyond the Cape of Good Hope, is not embraced within the exception made in favor of such vessels by the act of 2d March, 1811. The Aurora, after a long and circuitous voyage, arrived at Calcutta in September, 1811. She was chartered there on the 26th of December following, by citizens of the United States, who had knowledge of the non-importation act, but who seem to have presumed that the vessel, having sailed from the United States prior to the 10th of November, 1810, would, by virtue of the provisions of the act of 2d March, 1811, be permitted to bring a return cargo from British India. The same citizens purchased at Calcutta, and shipped on board of the Aurora, a cargo of India goods; and, to accomplish the purchase, borrowed the necessary sum from a British house in that place. The policies of insurance were pledged to the lenders; and, by the terms of the agreement, the cargo was, in fact, on their risk, while at sea; but, from its arrival into the United States, the merchandise was at the risk, and on account, of the American shippers, who are bound for the amount borrowed. The Aurora arrived at Philadelphia on the 16th of June, 1812, and an application has been made to the Treasury for a remission. No decision has taken place; but the owners of the cargo have been verbally informed that the voyage from Calcutta, having been undertaken by them with a knowledge of the non-importation act, and without even the plea of having funds in India, which they wanted to bring to the United States, the transaction appeared, on their part, in the light of a direct and voluntary infraction of the law. As the cargo had not, however, been landed when the act of 5th July passed, and as that act, without reference to the time of arrival, or to any of the circumstances of the voyage, admits to entry all American vessels previously laden in India, for the landing of whose cargoes in the United States bond had been given, it appears that the Aurora is entitled to the benefits of that act; and it is believed that the owners of the cargo have availed themselves of its provisions, and that the cargo has been accordingly entered, and remains subject to the disposition of Congress. With respect to the vessel, a remission will, if necessary, be granted by the Treasury, the owners having had no concern in, or control over, the illegal part of her employment.

The ship "American Hero" sailed on the 17th January, 1811, from Boston. The master sold her cargo at the Cape of Good Hope and the Isle of France; and having taken in payment bills of exchange on Madras and Calcutta, proceeded there and purchased a cargo, for the landing of which, in the United States, bond was given. In conformity with orders from the owners, he thence went to Brazil, where he was not permitted to sell his cargo; and, after having waited several months, hearing of the last American embargo, and apprehending war, he left Brazil, and brought the vessel and cargo to Providence, where she arrived prior to September last.

The "Atalanta" arrived, prior to the 8th of November last, in Philadelphia, from Calcutta, via Rio Janeiro, with a valuable cargo. The circumstances of the voyage have not been communicated to the Treasury.

The two last cases being clearly embraced by the act of 5th July, 1812, the parties have been informed that the cargoes must necessarily remain subject to the disposition of Congress, and that the Secretary of the Treasury had no power to interfere.

Another case has been mentioned, which, although no importation has taken place, ought, perhaps to be stated.

The brig "Daphne" sailed from Philadelphia, for Calcutta, in the Spring of 1811. According to orders, and in order not to infringe the law, the vessel, with her return cargo, proceeded to St. Bartholmew's. Being there when the declaration of war between the United States and Great Britain took place, and the act of 5th July last not being known, the cargo was landed, and the vessel discharged. By the provisions of the said act, the cargo is not admissible to entry, unless brought in the vessel on board of which it was laden in India; and the owners, who cannot now import it legally, are placed in a worse situation than those who have infringed the law.

I have the honor to be, with great respect, sir, your obedient servant,

ALBERT GALLATIN.

Hon. LANGDON CHEVES,
Chairman of Committee of Ways & Means.

Extract from a regulation for the conduct of the trade of foreign nations, with the ports and settlements of the British nation, in the East Indies, and for defining the duties to which such trade shall be subject at such of the said ports and settlements as are immediately dependent on the Presidency of Fort William. Passed by the Vice President, in Council, on the 30th April, 1811.

Article 3.—First. Foreign European ships, belonging to countries having no establishment in the East Indies, and ships belonging to the United States of America, may, (when those countries and States, respectively, are in amity with His Majesty) in like manner, [as, in article two, is granted to the ships of nations having settlements in the East Indies] freely enter the British seaports and harbors in the East Indies; they shall be hospitably received there; and have free liberty to trade in imports and exports, conformably to the regulations of the place; provided, always, that they proceed from their own ports direct to the said British territories, without touching at any port or place, whatever, on the voyage out, except from necessity, and merely to procure refreshments or repairs, in case of distress or accidents in the course of such voyage, the burden of the proof of which necessity to rest upon the parties.

Second. The vessels of the said European Powers, last aforesaid, and of the United States, shall not carry any of the articles exported by them from said British territories, to any port or place, except to some port or place in their own countries, respectively, where the same shall be unladen. The said ships shall not be cleared to carry on the coasting trade in India; but vessels going with their original cargoes, or part thereof, from one British port of discharge to another British port, are not to be considered as carrying on the coasting trade.

Third. The said vessels shall not be allowed to proceed either with or without return cargo from the said British territories to the settlements or factories of any foreign European nation in India, or to the territory of any Indian or Chinese potentate or power, except from the like necessity, as is before described, of which the proof shall rest with them. Nor shall the said vessels be allowed to enter the river in that part of the British territory situated in Bengal, for any other purpose than that of proceeding to the port of Calcutta for trade, refreshment, or repairs.

Fourth. In clearing out for their respective countries, the clearance shall be a direct one to the country, European or American, to which the vessel belongs, and to no other whatever; they are to give bond, with the security of a resident in the country, that they will deliver the cargo at the port for which the clearance is made, and such bond is to be cancelled when a certificate from a British Consul, or two known British merchants, resident at such port, is produced, of the *bona fide* delivery of the cargo there.

ADDITIONAL MILITARY FORCE.

The House resolved itself into a Committee of the Whole on the bill "supplementary to the act for the more perfect organization of the Army of the United States," and on the bill "in addition to the act for raising an additional military force."

The bills having been read through, a motion was made by Mr. David R. Williams to fill the blanks in the first bill, for the amount of bounty, &c., and the question having been stated—

Mr. D. R. Williams said, the embarrassment which he felt on the present occasion, was not of an ordinary kind; he was so solemnly impressed with the importance of the subject before the Committee, he was fearful its success might, in some degree, depend on his efforts to sustain it; and, feeling that the interest, perhaps the character of his country might be committed by the decision, he was humbled that its cause could not by him be more ably supported. He felt, however, some confidence from the circumstance that the Military Committee was entitled to the candor of the House, because it had not presented mere fragments, to be acted on in detail, but a system on which to rest the future prosecution of the war. An explanation of its merits, from the relation in which he stood to that Committee, was probably expected of him.

Without going back to the unavoidable and just causes of the war in which we were engaged, he would presume it was the object of all to terminate it successfully, and that there now remained no other mode than to call into the field a force adequate to the command of every honorable object. The force was abundant throughout the community, to secure, if directed with skill, spirit, and enterprise, our defence everywhere; and, by offence, to make the enemy feel it had become his interest to abstain from plunder and oppression.

To effect the first great object, defence of the exposed parts, it struck him as of primary importance, that the whole jurisdictional limits of the United States should be divided into military districts, that the command of each should be intrusted to an intelligent officer, who should have under his command certain portions of artillery and infantry of the regular army; that in each district there should be a sufficient number of cannon mounted on travelling carriages, which could be rapidly directed to such parts as may be threatened; and an engineer to devise the plans and superintend the erection of such works of defence as may be necessary. These would form the rallying points of defence in periods of danger, and will be sure to meet the approbation of the whole country. When it shall have placed before it proofs that the protecting arm of Government is everywhere extended, it will bestow, in return, its confidence and attachment. For this object, also, the care of the Government cannot be too early directed to the East Florida frontier; there danger already exists. In its present state it is improvable by the enemy to our essential injury: it is perfectly within his control for every military purpose he may contemplate, and will require an equal force, whether occupied by the United States or not. He would exemplify more in detail his views on the subject of defence, by enumerating the military districts and the least number of troops which ought to be stationed in each. If the Representatives from those districts shall object, that the number of troops allotted to each was too small, and he felt

confident some of them would; he replied, such objection served only to strengthen his argument, and the more satisfactorily proves the present military establishment insufficient, and that it ought to be increased. He requested it might be recollected, his observations were intended to apply to all the bills or system he had reported, because they were all, in some measure, pendent on the success of the present motion. To Boston district, including Portsmouth and the whole State of Massachusetts, 600; to Newport, including the States of Connecticut and Rhode Island, 600; to New York, inclusive of that State and New Jersey, 1,000; to Philadelphia, comprising the States of Pennsylvania and Delaware, 400; to Baltimore, Annapolis, Norfolk, including Maryland and Virginia, 500; to Charleston, including North and South Carolina, 400; to Savannah and the East Florida frontier, 2,000; to New Orleans, comprising Mobile, West Florida, and Natchitoches, 2,500; to Detroit and all the Western frontier, 2,000; making an aggregate of 10,000 regulars. These, taken from the Establishment already provided for, leaves a force of 25,000. The difference between the numbers enlisted, and effective men, is very material; in no service, however actual, is it estimated at less than one-fourth, with new levies at least one-third; deduct only 10,000 from the whole number provided for, we shall, supposing our ranks filled, have in the field only 15,000 that can be directed against Niagara, Kingston, Montreal, Lower Canada, and Halifax. Is that number sufficient for the purposes of Government? This must depend upon the number and quality of the opposing force. It ought not to be estimated that the regular force in Upper and Lower Canada is less than 12,000; besides these, there are several thousand militia, and at Halifax three thousand regulars. To drive this force from the field you should cross the St. Lawrence with a well appointed army twenty thousand strong, with a reserve, always desirable, with raw troops indispensable, of ten thousand. We ought not to calculate on peace. The Administration have in vain sued for it, through Mr. Russell, even at the expense of the sarcastic sneers of the British Minister; let us, then, prepare in good earnest for war. If the Spring shall not bring with it peace, the campaign must open in a style of vigor and force calculated to inspire confidence of success among ourselves, and awe in the enemy. The result of such a state of things will be as favorable to us, by depressing the spirits of the adversary, as by making our own troops undaunted; nothing must be left to chance that is within the compass of our means; we must deserve to be fortunate. To be successful, our movements everywhere must be in concert; at the same moment we move on Canada, a corps of ten thousand men should, from the province of Maine, threaten Halifax; as a diversion, it will indisputably be felt; such a force, if disregarded by the enemy, trusting to the supposed difficulty of approach, will be competent to the reduction of Halifax.

The character of our Government had been so depressed in Europe, not more by foreign than domestic misrepresentation, as much even within these walls as without them, it had become necessary to make war to place our backs against the wall and prove to European marauders there is a point beyond which we will not recede. This good the war has accomplished; but it has become more than ever necessary to prove that we will not only declare war, but can prosecute it with energy and courageous enterprise. The honor, the character of the nation require that the British power on our borders shall be demolished in the next campaign—her American provinces once wrested from her, every attempt to recover them will be chimerical, except through negotiation. The road to peace then lies through Canada. When we shall once be in possession of it, peace, honorable peace, the sole object of us all, is secured. But some gentlemen affect a sympathy for the Canadians—why, say they, will you make war on them? They have not injured us. Nor, sir, has the British tar injured us, although he is the instrument of plunder and impressment. It is to conquer the sovereignty of the soil, to raze the British power, to reach, by such means, her profligate and unjust ministry, that war is waged at all—the unarmed will never fall on American bayonets; it is not against the people of either Canada or Great Britain, but against the English subject in arms, that the war is directed. By physical force then alone can we proceed. Mr. W. here recapitulated at some length the amount of the force provided and that which was necessary for the various objects that should be accomplished, showing that at least twenty thousand additional regulars ought to be authorized. How, asked he, shall this deficiency be supplied? Shall we rely on the militia? Sound policy, not less than experience, forbids a draught on them for permanent service. However valuable they are for sudden emergencies, and in this way too much reliance cannot be placed on them; economy, both to them and the Government, forbid their use for other purposes. Their state of discipline and insubordination, (except in the face of danger,) circumstances growing out of the freedom of our institutions; the waste of public property, which he could illustrate by strong facts, all unite to dissuade us from this resort. Call them out on short terms of duty, and, so much time is lost in marching to and from the places of rendezvous, you are subject to pay nearly double the force necessary to maintain any one point; make the term of service long, and you disproportion the burden of the war. In short, the great mass who form the militia will find it cheaper to pay regulars than fight themselves.

Shall we any longer deceive ourselves by a further dependence on the absurd volunteer acts? Experience is equally warning on them. Though thousands of your brave countrymen, Mr. Chairman, have rushed to the field of danger, it was certainly not under the volunteer acts. If ever one scheme was better calculated to deceive its authors than another, this surely is it. To say

nothing about its unconstitutional character, it is a miserable contrivance, perfectly nugatory, except to accomplish disappointment. Without a head, its operations, to say the least of them, begin at the wrong end. The people are to manage the affair—to associate—to enroll themselves—to recommend officers. Organize a regiment, it will be made up of such discordant, insubordinate materials, strangers to and ignorant of each other, confidence cannot exist in it; but, above all, the volunteer is to indent himself for three years for the performance of one year's service. Repeal these acts, as the bill proposes, with a reservation of the rights that have accrued under them, and the services to the Government of the men who have enrolled themselves, and, in their stead, authorize a corps of 20,000 men of an efficient regular character. When the colonels shall have been selected for their virtues and influence, give to them the selection of their officers—they can better judge who ought to command, and who can raise men in their own neighborhood, than the President or the Senate. This mode will only change the appointment of officers, from individual members of Congress to the colonel, who certainly will be more scrupulous who he associates with him in danger than any other can be: they may be safely intrusted with this power under the approbation of the President. With such a provision the corps can be raised almost as soon as the officers can be nominated by the President, approved by the Senate, and commissioned by the Secretary at War. The term of enlistment is, confessedly, not the most eligible to form soldiers; but, inasmuch as it is doubtful whether you can get a force sufficiently strong on a long period, the present is proposed. But for the gallant and brave patriot of the Revolution before him (Colonel Stuart) he should have omitted to add this mode was found the most efficacious to raise men during the Revolutionary war: having been tested by experience it may be again relied on.

Having shown the necessity of augmenting the regular forces, it was equally material to provide for filling the ranks, and for keeping them at their full complement when filled. With this view was the 1st section introduced. The greatest evil, incident to the recruiting service, results from the number of persons to whom the public money was necessarily distributed; in proportion to the number of persons with whom it is intrusted, will be its misapplication. To remedy this it is proposed to appoint officers to each regiment, for that particular purpose, in no way different from those already appointed, who shall be employed in recruiting for their respective regiments; these to be under the order of a major, who shall receive and be accountable for the issue of money and clothes for that service. The ranks filled, the presence of all the officers on the present establishment will be indispensable, as in our service the proportion of privates to the officers is greater than in any other service whatever. The new organization which was given to the Army at the last session increased the number of privates in each company without a corresponding increase of officers. If two lieutenants were necessary in a company, for the purpose of discipline and recruiting, when it consisted of only sixty-four privates, assuredly three are as much so now it is raised to ninety. The recruits, as fast as they are enlisted, may be concentrated under the eye of the major, where they may be exercised and drilled, so that when he joins the regiment, they will be qualified to enter the ranks and face the enemy.

He expected to hear it objected that these additional officers were unnecessary, seeing the regiments were not full. He apprehended this objection was more specious than solid. Considering all the circumstances in relation to the Army, the period when raised and how officered, he believed, supposing the regiments only half filled, it was indispensably necessary the officers should be constantly with them. He was much mistaken if the officers were not as raw as the private soldiers—it was as important they should be familiar with those duties as they whom they are to command. It would be nothing short of butchery to send brave men into the field, under such circumstances, when in our power to avoid it. All the dollars and cents you will save by refusing these few additional officers would not be worth the life of a single man, to say nothing of the possible slaughter of thousands without them. Of necessity our officers need instruction; they should be devoted to it during the winter; they can be nowhere so beneficially employed as with their regiments on duty. It is the quality, not the number of the troops, that secures and improves victory.

One other objection he could anticipate—perhaps those who can sneer at the disasters and misfortunes of the late campaign may object that there is no encouragement to vote additional forces, seeing those which have been already raised have been so illy employed. It becomes us all to be equally faithful to our country, whether her arms are victorious or not; it is in times of discomfiture that the patriot's resolution and virtues are most needed. It is no matter by what party names we are distinguished, this is our country—we are children of the same family, and ought to be brothers in a common cause. The misfortune which befalls one portion, should sink deep in the hearts of the others also. What misfortune so great as the loss of character? If we shall forget our impatience under disgrace, and look back on the events that have passed, with only as much candor as becomes us, this objection must vanish. Under the circumstances in which it found itself, without experience, either in itself or others to guide it, Administration ought not to be censured for the bad military appointments it may have made, however much it may deserve, if it shall retain men in employ, when found incapable to discharge the duties intrusted to him. He was fearless of contradiction in declaring, all our disasters sprung from a cause which no man in the nation could have anticipated. It was next to impossible any hu-

man being could have foreseen, much less provided against it. It was with pain and reluctance he felt it his duty to speak of an officer fallen and disgraced; he wished he could discover any cause for the surrender of Detroit, less heinous than treachery or cowardice—between them he saw nothing to choose. Justice will hereafter, if party heat denies it now, pronounce the plan of the campaign, as intrusted to General Hull, easy to be accomplished and judicious in its objects. The commandant was furnished with every means necessary for success—with money, men, provisions, and munitions of war, in abundance. What better mode could have been adopted, to prevent Indian hostility and intercept British supplies of the instruments of massacre? That your Army had not been protruded beyond the point with which communications could have been maintained, is evident from the events which followed. What was there to mar success? The commandant at Malden needed only an apology to surrender! What if the other Hull had commanded? Everything would have fallen before him—great science was not necessary; courage and faithfulness would have accomplished everything. A train of heavy artillery was not required to batter a breach for the assault; it was not necessary to fire a single gun—not a cartridge need have been expended—the bayonet alone was adequate to have taken Malden at any hour from the moment the American Army crossed into Canada, till its most shameful retreat. The fort was not enclosed—one entire side was open to assault. Yes, sir, had the *brave* Hull, who bore your "thunder on the mountain wave," directed the valor of the Army, he would have poured the storm of victory resistless on the foe. This black deed, without a battle, was consummated in the *solicitous* surrender of the brave corps which were hastening to his relief; these, too, were arrested and thrown back on the community, leaving the whole Western frontier exposed to savage inroad. Hence all our misfortunes! After this, will it be contended that the accidental appointment of an improper agent shall cause a refusal of the force necessary to drag our drowned honor up from the ocean of infamy into which it has been plunged? Impossible! Economy of life and treasure call for a vigorous campaign—away with lifeless expedients; miserable inertness must be banished—zeal and energy must be infused everywhere. One protracted campaign will cost twenty-fold more than the expenditure now asked for. Let this be the signal for resolution—the first evidence of energetic policy. Let us suppose ourselves leading the forlorn hope, and assume the spirit and vigor characteristic of such an enterprise—the Army will feel it—the people will feel it—disaster and disgrace will then disappear. It is to save the public treasure—the people's blood; it is for the reclamation of character, I ask for high bounties and premiums; and, so asking, I hope not to be denied.

The question was then taken on filling the several blanks in the first bill, and carried.

Mr. H. CLAY congratulated the committee and the nation on the system which had been presented to their consideration, and the prospect of prosecuting the next campaign with a vigor which should insure a successful result. He rose at this time, however, to propose an amendment to the bill, the object of which was to repeal so much of former laws as authorizes a bounty of land to the recruits. He was satisfied that, as respected the nation, this was a waste of its capital, without producing a single provident result. As to the recruiting service, he was convinced, from what he had heard, that it added scarcely any inducement to the recruit—that it had not added an hundred men to the Army. He confessed he had been much mistaken as to the effect it had been expected to produce, &c. Mr. C. added many remarks going to support his positions, stating, among other things, that the land would in the end get into the hands of speculators, and the individuals for whose benefit it was intended would derive no advantage from it. Now, that it was proposed to increase the bounty in money, he thought it would be a proper occasion to repeal so much of the existing laws as allowed a bounty in land, on which the recruits set generally as much value as if it were located in the moon. Mr. C. concluded by making a motion to that effect.

Mr. TROUP and Mr. BIBB stated objections to the motion, as going to withdraw what was certainly, in many parts of the country, an inducement to enlistments, at a time when every means ought to be called into action for the purpose of filling the ranks of the Army.

Mr. CLAY's motion was then agreed to by the Committee.

The other bill before the Committee, going to authorize the raising an additional force of twenty thousand men for one year, was then taken up, and the blanks therein severally filled.

Mr. PITKIN, adverting to the provision of the bill which gives the appointment of officers below the rank of colonel to the President alone, inquired the reasons why, contrary to the general usage, the Senate were precluded from concurrence in these appointments?

Mr. WILLIAMS stated that the motive of the committee in proposing this provision was, to avoid the delay incidental to the minor appointments, which could be much more easily and effectually made by the colonels of the regiments, respectively, who would be personally acquainted with, and responsible for, the good conduct of those who were appointed.

Mr. PITKIN said it was on account of his objections to this provision of the bill and for other reasons that he was about to move that the Committee rise. The House had just been presented with the plan of the next campaign by the Chairman of the Military Committee, (Mr. WILLIAMS,) and the bills for increasing our present regular force to fifty-five thousand men had been to-day for the first time under discussion. He confessed for himself that he wished for a longer time to examine them, not only in principle but in detail;

he hoped that two days at least would be spent in Committee of the Whole on a subject so all-important to the vital interests of the nation. Mr. P. particularly objected to the provision giving the appointment of inferior officers to the President exclusively. The gentleman had told the House these officers were in fact to be appointed by the colonels; and that if they were virtuous the power would be well lodged. Sir, said Mr. P., has not the gentleman this day told you that one of your Generals was either a traitor or a coward? Suppose the colonel of a regiment was such a man, could you trust the appointment of your officers to him? You would not. For this reason I would prefer the appointment residing in the officers heretofore designated for the purpose. There may not be so much despatch as in the mode now proposed, because it is not in the nature of our Government to be rapid in its movements. Despatch is the virtue of despotism, but caution and deliberation are the virtues of Republican Government. There is much more danger in giving the President the power of appointing military officers, than there would be in giving him the power of appointing civil officers. You may next say, sir, that the President shall appoint all military officers. Give him an army of an hundred thousand men, with officers of his appointment, and who will say that he shall submit to re-election every four years? The President of the United States has now more power than is consistent with the simplicity of Republican Government. If this Government ever be wrecked, it will be on the rock of Presidential power. I am not for arming him, who already possesses too much, with more powers. It is the patronage from immense standing armies that I fear. I ask the gentleman, whether raising such armies, and giving power to the President of the United States to appoint the officers, be not sapping the foundation of the Government? It is in time of wars and convulsions that power is improperly vested in men; and when they have thus obtained the power, it has been found difficult in peace to divest them of it. I ask if a Burr, or a person of like disposition, had been put at the head of this immense military force, with the power of appointing all his officers, where would be the liberties of this people? I would stop the project *in limine*—I would resist it at the threshold. I do hope the Committee, for this and other reasons, will rise, and spend at least another day in Committee of the Whole on this subject.

Mr. Williams said he was surprised to hear the gentleman talk of resisting the principle at the threshold. This principle, Mr. W. said, was not new. The law which he held in his hand, passed in the year 1798, gave the President, besides the power to commission officers, so much objected to by the gentleman, the power to call into service and commission any number of companies he thought proper. Mr. W. perfectly appreciated (he said) the observations of the gentleman about limiting Executive power; but he thought the gentleman would admit that in a state of declared war, when we are in danger from every quarter, it is not expedient to delay, procrastinate, and interrupt the necessary provisions to secure our safety. We were not in 1798, when this provision was adopted, in a state of danger; we assuredly are now, and it cannot be less expedient now than then. Sir, said Mr. W., Eratostratus got himself a name by having destroyed the Athenian temple; let it be our care that by our delay and procrastination we do not become equally notorious in the destruction of our country.

Mr. Pitkin said it had become very fashionable of late to refer to the Administration of John Adams for precedents for measures of the present day. The measures to which the gentleman has alluded, together with many other things of that day, did not meet the approbation of Mr. P., nor, he apprehended, of the gentleman from South Carolina, whom, if he was not mistaken, he had heard inveigh against them. He considered the case the gentleman had quoted as a bad precedent, and would not pursue it. If it was wrong then, let us avoid it and do right now. Mr. P. moved that the Committee should rise and obtain leave to sit again.

Mr. Little opposed the motion. The subject was as well understood now, as it could be in two or three weeks; and the gentleman was at liberty to propose any amendment now that he thought proper.

Mr. Rhea conceived that the wise framers of our Constitution had intended to authorize Congress to place the power of appointing these officers wherever they thought proper; and had not contemplated, in a case of great emergency, that any such appointments should await the slow process of going through the Senate. Mr. R. could not conceive a greater emergency than existed at present. He was, therefore, willing to sanction the exercise of the power, and was opposed to postponement.

Mr. Bigelow hoped the Committee would rise and report progress. It was true that this bill had been proposed some days ago, but it was only to-day that the intention with which the additional force was proposed and the plan of the campaign had been laid before them, and it was impossible to examine that subject correctly without mature deliberation. He expected to have heard the gentleman go farther, and estimate the probable expense of the force proposed to be raised, and of the additional officers proposed to the present army. There is also another important consideration, said Mr. B. I was glad to hear the gentleman say his object was to effect a peace with Great Britain. If that be his object, it is proper to inquire whether this be the most probable mode of obtaining peace. I believe Great Britain would be more likely to make peace, if she were satisfied that our measures were adopted with prudence, caution, and due deliberation. She will be much more satisfied of your ability to maintain your rights if you do not attempt more than you can effect. Is it to be expected that Great Britain, powerful as she is, is to be in-

imidated to make peace by such measures as hese? Will they tend to give her any greater lea of our power than she now has? I appre- end not, sir. I apprehend that if Great Britain ees we are adopting wise and prudent measures; hat, instead of invading her territories our care s to provide for events, guard our frontier from ttack, and attack her only where we can injure er, she will be much more likely than now to uppose our war will be effectually prosecuted. These are important considerations, which ought o be duly weighed before we go out of Commit- ee of the Whole on this subject. For these rea- ons, sir, I am in favor of the Committee's rising, vith a view to sit again on the subject.

The question was taken on the Committee's ising, and negatived—51 to 43.

Mr. TALLMADGE moved to strike out the sec- ion of the bill which directs the manner in which he company officers shall be appointed. He said e had hoped that the Committee would have isen and given at least one day for consideration; hat they would have maturely weighed and de- iberately made up their minds on this question. t is true that, in 1798, there was a power given o the President of the United States to appoint ll officers for ten thousand men under the rank f field officers; but the appointment of all field fficers was retained to the President and Senate. Mr. T. said he knew how perfectly easy it was o go on step by step, and yield power till it all passed out of our hands. The argument now is plea of urgency. What was the case in 1798? Not the same as now. Congress had been mak- ng preparations on the contingency of war. The anguage of the law which has been referred to s to this effect: in case of war being declared by any foreign Power, or the country actually nvaded, then the President shall have the power f appointing these officers. Such a provision was very different from that now proposed. Mr. T. was also opposed to this section in the bill, be- cause he would not pass a bill going, as far as in he power of this House, to take away the power f appointment from the Senate. It was a disre- spect he would not offer to them, to call upon hem to ratify a law depriving themselves of a power they have uniformly possessed and exercised.

The question was taken on Mr. TALLMADGE'S motion to strike out the section, and lost.

The Committee rose and reported the two bills and the House adjourned.

WEDNESDAY, December 30.

Mr. CHITTENDEN presented a bill for the relief of Royal Converce; which was read twice, and committed to a Committee of the Whole on Fri- day next.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a report of the Director of the Mint, containing the result of the assays of foreign gold and silver coins made current by the act of the 16th of April, 1806; which was referred to the Committee of Ways and Means.

ADDITIONAL MILITARY FORCE.

The House resumed the consideration of the report of the Committee of the Whole on the two bills yesterday considered. The first bill which came under consideration was the following:

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That the President of the United States be and he is hereby authorized, by and with the advice and consent of the Senate, to appoint one additional major to the first regiment of light dragoons, the regiment of light artillery, each regiment of infantry, and the rifle regiment, in the Army of the United States, who shall receive the like pay, rations, forage, and other emoluments, as officers of the same grade and corps of the present Military Establishment.

SEC. 2. *And be it further enacted,* That there be appointed, in manner aforesaid, one third lieutenant to each troop or company in the Army of the United States, who, if of cavalry or light dragoons, shall receive the monthly pay of thirty dollars; and if of other corps twenty-three dollars, and be allowed the same forage, rations, and other emoluments, as second lieutenants of the same corps to which they belong.

SEC. 3. *And be it further enacted,* That there be allowed to each troop or company in the Army of the United States, one additional sergeant, who shall receive the like pay, clothing, rations, and other emoluments, as sergeants of the present Military Establishment.

SEC. 4. *And be it further enacted,* That, in order to complete the present Military Establishment to the full number authorized by law, with the greatest possible despatch, there shall be paid (in lieu of the bounty in money heretofore allowed) to each effective able-bodied man who shall be duly enlisted into the service of the United States, to serve for the term of five years, or during the war, a bounty of —— dollars; but the payment of *twenty* dollars of the said bounty shall be deferred until he shall be mustered, and have joined some military corps of the United States for service; and a bounty of one hundred and sixty acres of land, as heretofore established by law.

SEC. 5. *And be it further enacted,* That the commissioned officers, who shall be employed in the recruiting service, shall be entitled to receive, for every effective able-bodied man, who shall shall be duly enlisted by them for the term of five years, or during the war, and mustered, and between the ages of eighteen and forty-five years, the sum of *five* dollars: *Provided, nevertheless,* That this regulation, so far as respects the age of recruits, shall not extend to musicians, or to those soldiers who may re-enlist into the service: *And provided, also,* That no person under the age of twenty-one years shall be enlisted by any officer, or held in the service of the United States, without the consent, in writing, of his parent, guardian, or master, first had and obtained, if any he have; and if any officer shall enlist any person contrary to the true intent and meaning of this act, for every such offence he shall forfeit and pay the amount of the bounty and clothing which the person so recruited may have received from the public, to be deducted out of the pay and emolument of such officer.

The first amendment reported by the Committee went to repeal so much of former acts as allows a bounty in land in addition to the bounty in money.

The concurrence in the amendment was opposed by Messrs. GRUNDY, TALIAFERRO, FINDLEY, RHEA, BIBB, TROUP, and DESHA; and supported by Messrs. STOW and BAKER.

The arguments on the one hand were, generally, that the experiment of a bounty of land, even if of doubtful expediency, had not been sufficiently tested by practice to authorize its abandonment; that although, as had been stated, it might not have operated in some parts of the country to encourage enlistments; in others, it had been a main inducement; and those opposed to the amendment deemed it proper to offer every practicable facility to enlistments. On the other hand, it was said that this bounty in land was no inducement to enlistments, in any degree compared with its intrinsic value; that it was, therefore, an improvident expenditure of the public resources, especially when the bounty should have been increased, as it probably would be, to forty dollars.

The amendment was, in the end, negatived by a large majority.

Mr. PEARSON, in the course of the discussion, asked for information on the subject of the number of men now enlisted, &c.

Mr. WILLIAMS said, in reply, that the Committee on Military Affairs had been furnished with information on this head by the proper Department; but had deemed it would be prejudicial to the public service to lay it in detail before the public. It was, however, free to the inspection of every gentleman in the House who chose to consult the documents.

Mr. PEARSON said it was because the information was not public, and he wished to consult the documents, that he was not now prepared to vote on this subject. He could not see the necessity for appointing additional officers to the Army, when it was evident many of those already in service had not men to command. He therefore moved to postpone the further consideration of the bill to Monday. The motion was negatived.

The next question was on filling the blank for the increased bounty with forty dollars. This question was decided in the affirmative—yeas 69, nays 40, as follows:

YEAS—Willis Alston, jun., Stevenson Archer, Daniel Avery, Ezekiel Bacon, David Bard, William Barnett, Burwell Bassett, William W. Bibb, William Blackledge, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, Francis Carr, Langdon Cheves, Matthew Clay, Jas. Cochran, William Crawford, Richard Cutts, Roger Davis, Joseph Desha, Samuel Dinsmore, Elias Earle, William Findley, James Fisk, Meshack Franklin, Edwin Gray, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, John A. Harper, Aylett Hawes, John M. Hyneman, Joseph Kent, William R. King, Peter Little, Aaron Lyle, William McCoy, Samuel McKee, Arunah Metcalf, Samuel L. Mitchill, Jeremiah Morrow, Anthony New, Thomas Newton, Stephen Ormsby, Israel Pickens, James Pleasants, jun., Benjamin Pond, William M. Richardson, Thomas B. Robertson, John Rhea, John Roane, Jonathan Roberts, Ebenezer Sage, Lemuel Sawyer, John Sevier, Adam Seybert, Samuel Shaw, George Smith, Silas Stow, William Strong, John Taliaferro, George M. Troup, Charles Turner, jr., Robert Whitehill, David R. Williams, William Widgery, and Richard Winn.

NAYS—John Baker, Abijah Bigelow, Harmanus Bleecker, Adam Boyd, James Breckenridge, Elijah Brigham, Epaphroditus Champion, Martin Chittenden, Thomas B. Cooke, John Davenport, junior, William Ely, James Emott, Asa Fitch, Thomas R. Gold, Jacob Hufty, Richard Jackson, jun., Lyman Law, Joseph Lewis, jr., Nathaniel Macon, George C. Maxwell, Archibald McBryde, Jonathan O. Moseley, Thomas Newbold, Joseph Pearson, Elisha R. Potter, Josiah Quincy John Randolph, William Reed, Henry M. Ridgely, William Rodman, Daniel Sheffey, Richard Stanford, Philip Stuart, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Pierre Van Cortlandt, Laban Wheaton, Leonard White, and Thomas Wilson.

The other blanks were filled by the words, as inserted in ths above copy of the bill, in *italic*.

Mr. ELY then moved to strike out the three first sections of the bill, for the reason that he could not see the necessity of appointing additional officers, when it was evident that more were now in service than could be employed.

Mr. WILLIAMS and Mr. DESHA replied that, as was stated yesterday, these officers had become necessary for the recruiting service, as the services of the present officers would be necessary with their respective regiments. As to the lieutenants, when the companies consisted of no more than sixty-four men, two lieutenants had been considered necessary; and now that the companies were increased to ninety, no objection could be made to a third, which had become necessary.

Mr. GOLDSBOROUGH having called for a division of the question, the question was first taken on striking out the first section, and decided in the negative—yeas 34, nays 75, as follows:

YEAS—Abijah Bigelow, Harmanus Bleecker, Adam Boyd, James Breckenridge, Elijah Brigham, Epaphroditus Champion, Martin Chittenden, William Crawford, John Davenport, junior, William Ely, James Emott, Asa Fitch, Thomas R. Gold, Jacob Hufty, Richard Jackson, junior, Lyman Law, Joseph Lewis, jr., Jonathan O. Moseley, Joseph Pearson, Timothy Pitkin, jr., Elisha R. Potter, Josiah Quincy, William Reed, William Rodman, Daniel Sheffey, Richard Stanford, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Pierre Van Cortlandt, Laban Wheaton, Leonard White, William Widgery, and Thomas Wilson.

NAYS—Willis Alston, jr., Stevenson Archer, Daniel Avery, Ezekiel Bacon, David Bard, William Barnett, Burwell Bassett, William W. Bibb, William Blackledge, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, Francis Carr, Langdon Cheves, Matthew Clay, James Cochran, John Clopton, Thomas B. Cooke, Richard Cutts, Roger Davis, Joseph Desha, Samuel Dinsmoor, Elias Earle, William Findley, James Fisk, Meshack Franklin, Charles Goldsborough, Edwin Gray, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, John A. Harper, Aylett Hawes, John M. Hyneman, Joseph Kent, William R. King, Abner Lacock, Peter Little, Aaron Lyle, Nathaniel Macon, George C. Maxwell, Archibald McBryde, William McCoy, Samuel McKee, Arunah Metcalf, Samuel L. Mitchill, Jeremiah Morrow,

Anthony New, Stephen Ormsby, Israel Pickens, Jas. Pleasants, jr., Benjamin Pond, William M. Richardson, Henry M. Ridgely, Thomas B. Robertson, John Rhea, John Roane, Jonathan Roberts, Ebenezer Sage, Thomas Sammons, Lemuel Sawyer, John Sevier, Adam Seybert, George Smith, Silas Stow, William Strong, John Taliaferro, George M. Troup, Charles Turner, jr., Robert Whitehill, David R. Williams, and Richard Winn.

The question was then on striking out the second and third sections, and decided in the negative—yeas 42, nays 66, as follows:

YEAS—John Baker, David Bard, Abijah Bigelow, Harmanus Bleecker, Adam Boyd, James Breckenridge, Elijah Brigham, William A. Burwell, Epaphroditus Champion, Martin Chittenden, Thomas B. Cooke, William Crawford, William Ely, James Emott, Asa Fitch, Thomas R. Gold, Charles Goldsborough, Edwin Gray, Jacob Hufty, John M. Hyneman, Richard Jackson, jr., Lyman Law, Joseph Lewis jr., George C. Maxwell, Jonathan O. Moseley, Joseph Pearson, Timothy Pitkin, jr., Elisha R. Potter, Josiah Quincy, John Randolph, William Reed, William Rodman, Daniel Sheffey, Richard Stanford, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Uri Tracy, Laban Wheaton, Leonard White, William Widgery, and Thomas Wilson.

NAYS—Willis Alston, jr., Stevenson Archer, Daniel Avery, William Barnett, Burwell Bassett, William W. Bibb, William Blackledge, Robert Brown, Wm. Butler, John C. Calhoun, Francis Carr, Langdon Cheves, Matthew Clay, Jas. Cochran, John Clopton, Richard Cutts, Roger Davis, Jos. Desha, Samuel Dinsmoor, Elias Earle, William Findley, James Fisk, Meshack Franklin, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, John A. Harper, Aylett Hawes, Joseph Kent, William R. King, Abner Lacock, Peter Little, Aaron Lyle, Nathaniel Macon, Thomas Moore, Archibald McBryde, William McCoy, Samuel McKee, Samuel L. Mitchill, Jeremiah Morrow, Anthony New, Thomas Newton, Stephen Ormsby, Israel Pickens, James Pleasants, jr., Benjamin Pond, Henry M. Ridgely, Thomas B. Robertson, John Rhea, John Roane, Jonathan Roberts, Ebenezer Sage, Thomas Sammons, Lemuel Sawyer, John Sevier, Adam Seybert, Samuel Shaw, George Smith, William Strong, John Taliaferro, George M. Troup, Charles Turner, jr., Robert Whitehill, David R. Williams, and Richard Winn.

The question was then taken on engrossment of the bill for a third reading, and passed in the affirmative—yeas 70, nays 37, as follows:

YEAS—Willis Alston, jr., Stevenson Archer, Daniel Avery, Ezekiel Bacon, David Bard, William Barnett, Burwell Bassett, William W. Bibb, William Blackledge, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, Francis Carr, Langdon Cheves, Matthew Clay, James Cochran, John Clopton, William Crawford, Richard Cutts, Roger Davis, Joseph Desha, Samuel Dinsmoor, Elias Earle, William Findley, James Fisk, Meshack Franklin, Charles Goldsborough, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, John A. Harper, Aylett Hawes, John M. Hyneman, Joseph Kent, William R. King, Abner Lacock, Peter Little, Aaron Lyle, Nathaniel Macon, Thomas Moore, William McCoy, Samuel McKee, Samuel L. Mitchill, Jeremiah Morrow, Anthony New, Thomas Newton, Stephen Ormsby, Israel Pickens, James Pleasants, jun., Benjamin Pond, William M. Richardson, Thomas B. Robertson, John Rhea, John Roane, Jonathan Roberts, Ebenezer Sage, Thos. Sammons, John Sevier, Adam Seybert, George Smith, John Taliaferro, Uri Tracy, George M. Troup, Charles Turner, junior, Robert Whitehill, David R. Williams, William Widgery, and Richard Winn.

NAYS—John Baker, Abijah Bigelow, Harmanus Bleecker, Adam Boyd, James Breckenridge, Elijah Brigham, Epaphroditus Champion, Martin Chittenden, John Davenport, jr., William Ely, James Emott, Thos. R. Gold, Edwin Gray, Jacob Hufty, Richard Jackson, jr., Lyman Law, Joseph Lewis, jr., George C. Maxwell, Archibald McBryde, Jonathan O. Moseley, Thos. Newbold, Joseph Pearson, Timothy Pitkin, jr., Elisha R. Potter, Josiah Quincy, John Randolph, William Reed, Henry M. Ridgely, William Rodman, Daniel Sheffey, Richard Stanford, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Laban Wheaton, Leonard White, and Thomas Wilson,

So the bill was ordered to be engrossed for a third reading.

The House then proceeded to the consideration of the report of the Committee of the Whole on the other bill reported by the committee, entitled "A bill in addition to the act to raise an additional military force, and for other purposes"—the first section of which is as follows:

Be it enacted, &c., That, in addition to the present Military Establishment of the United States, there be raised twenty regiments of infantry, to be enlisted for the term of one year, unless sooner discharged.

[The remainder of the bill is mere detail; the bounty on enlistment sixteen dollars.]

Mr. GOLD said this was a bill involving questions of great importance, as well in principle as in its details. There was one feature especially of the bill which required mature consideration; he alluded to the limited period of service of the proposed additional force. There was no pressing emergency to hurry the bill; and he, therefore, moved to postpone the further consideration of it to Monday.

Mr. QUINCY enforced the propriety of postponement. In relation to the bill just ordered to a third reading, though he did not approve of many of its principles, he had not objected to it, not being disposed to be unnecessarily captious. But the bill now under consideration was of a very different character from that. It proposed to augment our military force by the addition of 20,000 men. It would not be pretended, he said, that the postponement of this bill for a week would materially affect the operations of the Government. It could not be pretended that the bill was not connected with the great relations of the country. On the contrary, Mr. Q. said, it opened the whole scope of the argument on the great questions growing out of the present war, and the manner in which it had been, and was proposed to be, conducted. He said that to prove it he need only refer to the observations made by the gentleman from South Carolina, who stated what proportion of force was destined by the Government against one or another quarter—against Halifax, and against the Floridas. [Mr. WILLIAMS explained, that he had spoken not of

the Floridas, but the *Florida frontier.*] Be that as it might, Mr. Q. said, it was evident that this bill, and the questions resulting from it, were necessarily the great questions of the session; that these questions touched the whole course of the Administration; that they had relation to the present character and future prospects of the country. The bill had been brought on the tapis but last Monday, and, not having had an opportunity to examine it, he was for one unprepared to act on the subject. But it was not from personal considerations that he asked for time, but from the general duty which he owed to his constituents, which impelled him to require further time to examine the whole bearing of the question.

Mr. Fisk said that he was among the number of those who ardently hoped the motion would not prevail. If on this bill all the relations of this country were to be brought into discussion, the stronger was the reason for immediately entering upon it; for, calculating on past experience, the discussion would transcend reasonable limits, and procrastinate unnecessarily the passage of the bill. The House could not have forgotten that it had been intimated from the other side of the House at the last session, that the majority were not serious in their declared intention to go to war, because the force they proposed to raise was not adequate to the object. The proposition now before the House was intended to procure an immediate addition to our military force. If the recent scenes on the frontier of New York had not been sufficient to prompt gentlemen to lend their aid to retrieve the character of the nation, no argument from this side of the House could be expected to have influence. If this bill even were to pass without undergoing the wide discussion the gentleman from Massachusetts anticipated, the gentleman need not be at a loss to find an opportunity to discuss the subject on another occasion.

Mr. Gold said he was surprised the gentleman had not abstained from the allusion he had made to the frontier of New York. That frontier, Mr. G. said, was now a victim to the unfortunate policy which had dictated a premature declaration of war. Instead of advancing to the object for which war has been avowedly declared, we were every moment receding from it. Twelve months had been thought sufficient time for its accomplishment at the last session; and it would now take three times as long as any one could then have supposed it would. Mr. G. wished further time for consideration. After the disaster on disaster which had taken place, it was time to look about us, and see that the measures now proposed were calculated to redeem our affairs on the frontiers from the calamitous situation in which they now stand. The bill just passed upon would answer every present emergency, and give more time for mature consideration of that now before the House.

Mr. Troup said he would have no objection to grant the postponement asked by the gentlemen, (Messrs. Gold and Quincy,) if their object was consistent with that of the committee. The object of the committee was to combine a union of council and energy of action in favor of the war. The next campaign must be opened with vigor, and prosecuted to success. With this view, the committee had presented a system: gentlemen might, if they pleased, call it a system of the Executive. They submitted it to the House, not as the very best which it was possible for human ability to devise, but the best which, under all circumstances, they were able to present; they asked gentlemen on the opposite side to take it, not word for word, as it was submitted, but to take it for as much as it was worth; to amend it if defective; to substitute one in lieu of it if radically wrong. Their argument would be listened to with pleasure—their amendment or substitute respectfully considered. But the motion to postpone was inadmissible, because the motive was incorrect; procrastination in the present state of the country was death. Gentlemen would neither amend the system with a view to make it better, nor would they substitute one in lieu of it. They were opposed to the war; they disavowed any responsibility for its origin, progress, or consequences—it was a war of wickedness against innocence. Gentlemen had expressly said so; they would not give you a dollar or a man to carry it on. Yet are we asked to postpone the bill—to hear the argument—to risk the loss of another campaign. If there be anything which can endanger the system, it is delay. A week or a day is of great importance. It is a Parliamentary rule, that he who is radically opposed to a bill shall not amend it. It is a good rule that he who is opposed to the war shall not plan the campaign. A gentleman on the opposite side of the House (Mr. Potter) had said, in a spirit of frankness and candor which did him honor, that having opposed the war he was opposed to the ways and means of conducting it, and therefore to every object of expenditure connected with it—to a navy, an army, and everything else. He was happy to find, however, that there were some gentlemen on the same side of the House who would not act with him; who would not sacrifice the country to the passions of party. Mr T. only asked that the majority, to whom the responsibility attached, should be permitted to proceed in furnishing the Executive with the means of conducting the war.

Mr. Quincy said the gentleman from Vermont had been well answered by the gentleman from New York. It was extraordinary indeed that he should have brought into view the objection made last session on this side of the House that the war was premature. Was not that objection made good? Had not experience proved the objection valid? Did not the present bill present further evidence of it? If gentlemen had attended to those arguments at a former session, we should not have gone to war until we were prepared, and there would have been no necessity for this bill. The honorable gentleman from Georgia, said Mr. Q., chose to intimate that our motives are not correct in wishing

postponement. If the gentleman meant to intimate that we were opposed to war, and that this opinion of ours was incorrect, we certainly are opposed to war. But the question now under consideration has no bearing on that point. It concerns our relations with our constituents; which demand that we should have an opportunity to canvass the merits of the bill. As to the proposed bill, would it not be a fair argument in opposition to it that the description of force it embraces is incompetent to its object? Is it not competent to show that the whole statement made by the gentleman from South Carolina is erroneous, and that these men will not be adequate to the purposes in view? We are now about establishing or sanctioning the whole principle of the next campaign, and gentlemen are for deciding it instantaneously. Is this correct? I appeal to gentleman themselves—their sense of propriety, of character, of duty. I shall hold myself perfectly discharged from all obligation to debate such a bill, if its decision be pressed at this moment. There can be but one apology for this haste; that this whole bill is a sham fire, to raise a great smoke, to hide a retreat. If that be the object, your haste and hurry is wise. If this bill be pressed through as proposed, without allowing time for deliberation, it will be viewed in that light by the nation. If gentlemen wish to carry on war to effect, they must carry with them the minds of intelligent people, who must first be convinced that your means are adequate to the end, the instrument to the purpose. How can it be so considered, when those who have a right to debate the subject are precluded the opportunity? No such course of proceeding is known in the British Parliament. Questions of great moment are always postponed for investigation; the day for discussion is previously fixed, and those who choose to discuss the great principles of the pending question have a right to do so. But here the wish to postpone is represented as the result of a factious spirit. Mr. Q. said he considered the motion he had made as what he had a right to demand; that this was a subject which of all others peculiarly required discussion, viz: whether 20,000 men should be added to our regular army, when no man pretended to say that our present ranks were half filled. He did not intend to have touched the merits of the bill now; but he did, he said, wish for an opportunity to test the merits of the bill not only before the House but before the community.

Mr. RHEA said, if he thought that an allowance of a few days to the gentleman was likely to produce conviction on the gentleman's mind, he should be very ready to give it. But he saw no probability of such an event. The necessity of this bill, he said, had grown out of the defects of a system on which gentlemen had wished to rely for everything, but which great pains had been taken to render inoperative. As to the British Parliament, Mr. R. said that he had always understood, they went through every subject at one sitting; and he had no objection, for his part, as it met the gentleman's approbation, to follow their example. If the bill, indeed, was nothing but a sham fire, the sooner it was got out of the way the better. He was willing to take his share of responsibility for its passage, and if it was so terrible a thing, the sooner the nation saw and remedied the evil, the better. He was willing to run the risk. As to sham fire, he did not know what it was; it was something like the land in the moon, which had been spoken of in debate; invisible and not understood, because inaccessible to man's comprehension.

Mr. WILLIAMS said he did not feel himself authorized to require, but he should be glad that the gentleman would favor the House with an explanation of what he meant by comparing this bill to a sham fire, &c.

Mr. QUINCY said he would explain with pleasure. He had not said such was the character of the bill, but that it would be so considered if hurried through in this way. Did gentleman suppose the passage of such a bill as this was to affect the opinions of people across the Atlantic? No; such persons would look at our ways and means. The nerve of war is money. When you exhibit it, said he, you may produce some effect on the mind of your antagonists. But no man has yet shown how the ways and means are to be provided. Your bill will be considered a mere sham in those countries habituated to the expenses of wars, if you do not first exhibit the ways and means to carry it into operation. I object to the bill, at this time, because if the honor of the country is to be maintained, it must be on solid principles, growing out of an ample provision of revenue. After that object be effected, it will be time to go into other considerations.

Mr. Q. concluded by saying that he hoped this explanation would be satisfactory to the gentleman from South Carolina.

Mr. WILLIAMS.—Not exactly, sir. I believe there is something in the gentleman's bosom, which he has not explained. I believe, sir, that the gentleman thinks that the administration of the Government are as perfectly satisfied as we are, that the system on which the war has heretofore been conducted, is not to be relied on; that they are determined that the inertness which has heretofore pervaded everything shall cease, and that a system of energy and perseverance shall be substituted. I believe, sir, that the gentleman has discovered that we are disposed to offer such terms to Great Britain, as, should she resist them, would compel the gentleman and his friends to come out and support the war; that there is a disposition, by yielding certain minor points in controversy, to place our relations with Great Britain on such a footing as to abolish all opposition to the war, if she refuse to accommodate with us. I did hope, sir, to have drawn this knowledge and belief from the gentleman; I did hope he would have been more candid, and explained what he meant by calling this bill a sham fire, but I was mistaken.

Mr. MACON said, if the gentleman who had made the motion to postpone, wished for time to prepare amendments to the bill, he was willing

to accord it. But when postponement is asked, the mover ought to show cause for it. On questions affecting the means of carrying on a war, a speedy decision seems proper, unless good grounds appear for delay. As to the British Parliament, every question was there discussed and decided in one evening; for there they always went into debate after dinner, and then their speeches were inspired by their wine. In this country the practice was different, but much greater opportunity for debate was afforded.

Mr. Gold said he did wish to move amendments. He had an objection to the shortness of the term of service proposed, viz: one year; and he wished the bill postponed to prepare amendments.

Mr. Macon said that the gentleman and himself exactly agreed in the objection to the bill; but it required no great consideration to move to strike out "one" and insert "five" years. So that that reason was not adequate for postponement.

The question was then taken on postponement, and negatived—yeas 40, nays 71, as follows:

Yeas—Abijah Bigelow, Harmanus Bleecker, James Breckenridge, Elijah Brigham, Epaphroditus Champion, Martin Chittenden, Thomas B. Cooke, John Davenport, jr., William Ely, James Emott, Asa Fitch, Thomas R. Gold, Charles Goldsborough, Jacob Hufty, Richard Jackson, junior, Lyman Law, Joseph Lewis, junior, George C. Maxwell, Archibald McBryde, Jonathan O. Moseley, Thomas Newbold, Joseph Pearson, Timothy Pitkin, jun., Elisha R. Potter, Josiah Quincy, John Randolph, William Reed, Henry M. Ridgely, William Rodman, Daniel Sheffey, Richard Stanford, Silas Stow, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Uri Tracy, Pierre Van Cortlandt, Laban Wheaton, Leonard White, and Thomas Wilson.

Nays—Willis Alston, jun., Stevenson Archer, Daniel Avery, Ezekiel Bacon, David Bard, William Barnett, Burwell Bassett, William W. Bibb, William Blackledge, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, Francis Carr, Langdon Cheves, Matthew Clay, James Cochran, John Clopton, William Crawford, Richard Cutts, Roger Davis, Joseph Desha, Samuel Dinsmoor, Elias Earle, William Findley, James Fisk, Meshack Franklin, Edwin Gray, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, John A. Harper, Aylett Hawes, John M. Hyneman, Joseph Kent, William R. King, Abner Lacock, Peter Little, Aaron Lyle, Nathaniel Macon, Thomas Moore, William McCoy, Samuel L. Mitchill, Jeremiah Morrow, Thomas Newton, Stephen Ormsby, Israel Pickens, James Pleasants, jun., Benjamin Pond, Thomas B. Robertson, John Rhea, John Roane, Jonathan Roberts, Ebenezer Sage, Thomas Sammons, Lemuel Sawyer, Ebenezer Seaver, John Sevier, Adam Seybert, Samuel Shaw, George Smith, William Strong, John Taliaferro, George M. Troup, Charles Turner, jun., Robert Whitehill, David R. Williams, William Widgery, and Richard Winn.

DEATH OF MR. SMILIE.

So soon as this decision was declared—

Mr. Findley rose.—It is my melancholy duty, said he, to announce to this House that my venerable colleague and old friend and associate, John Smilie, is no more. He departed this life a two o'clock this afternoon.

A committee was then appointed to superintend the funeral of the deceased, consisting of Messrs. Findley, Lyle, Brown, Roberts, Davis, Lacock, and Hyneman.

A resolution was unanimously adopted, requesting each member of the House, in testimony of their respect to the memory of John Smilie, to wear crape on the left arm for one month.

And, on motion of Mr. Fitch, the House then adjourned.

Thursday, December 31.

On motion of Mr. Findley,

Resolved, unanimously, That the members of this House will attend the funeral of the late John Smilie, this day, at two o'clock.

Resolved, That a message be sent to the Senate to notify them of the death of John Smilie, late a member of this House, and that his funeral will take place at two o'clock, this day.

And then the House adjourned.

Friday, January 1, 1813.

Mr. Baker presented a petition of Michael McKewan, of Virginia, praying compensation for the loss of a negro man, in the service of the United States, in the Revolutionary Army, and for two wagons and eight horses, and sundry other articles furnished to the United States during the Revolutionary war.—Referred to the Committee of Claims.

Mr. McKee presented to the House certain resolutions adopted by the Legislature of Kentucky, approbatory of the conduct of the General Government, and expressive of their opinion "respecting our foreign relations."—Ordered to lie on the table.

Mr. Morrow, from the Committee on the Public Lands, to whom was referred the bill from the Senate "approving the report of the Commissioners appointed by the Secretary of War to ascertain and settle the exterior line of the public land at West Point, in the State of New York," reported the same without amendment, and the bill was ordered to be read a third time on Monday next.

Saturday, January 2.

Mr. Bassett, from the Committee on Naval Affairs, to whom was referred the amendment of the Senate to the bill "in addition to the act concerning letters of marque, prizes, and psize goods," reported the disagreement of that committee to the said amendment.

On motion of Mr. Little, the further consideration of the amendment was postponed until Monday next.

An engrossed bill authorizing the President of the United States to establish post routes, in certain cases, was read the third time, and passed.

An engrossed bill providing Navy pensions, in certain cases, was read the third time, and passed.

ORGANIZATION OF THE ARMY.

The bill supplementary to the act for the more perfect organization of the Army of the United States, was read a third time.

Mr. STOW asked the indulgence of the House for one moment; not that he might advocate or oppose the present bill, but that he might explain to this House, and the nation, the vote he was about to give. I was, said he, decidedly opposed to the war, and I have, by every lawful means in my power, endeavored to change the Executive. Shall I then vote the means for carrying on a war which I opposed, and place those means at the disposal of men in whom I have but little confidence? I deliberately say, yes. When the people, by their constituted agents, have said "we will have war," and when they have decided who shall be the Executive to conduct it, I conceive it my duty to furnish all reasonable means for carrying their will promptly and vigorously into effect. If the Executive misuse these means, he is answerable to seven millions of people; if he use them wisely, we shall all share in the prosperity and glory of our country.

The bill was then passed—yeas 65, nays 34, as follows:

YEAS—Stevenson Archer, Daniel Avery, Ezekiel Bacon, David Bard, William Barnett, Burwell Bassett, William W. Bibb, William Blackledge, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, Francis Carr, Langdon Cheves, Matthew Clay, James Cochran, John Clopton, William Crawford, Richard Cutts, Roger Davis, Joseph Desha, Samuel Dinsmoor, Elias Earle, William Findley, Meshack Franklin, Edwin Gray, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, John A. Harper, Aylett Hawes, John M. Hyneman, Joseph Kent, Abner Lacock, Peter Little, Aaron Lyle, Thomas Moore, William McCoy, Arunah Metcalf, Samuel L. Mitchill, Jeremiah Morrow, Thomas Newton, James Pleasants, jr., Benjamin Pond, William M. Richardson, Thomas B. Robertson, John Rhea, John Roane, Jonathan Roberts, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, John Sevier, Adam Seybert, Samuel Shaw, George Smith, Silas Stow, Uri Tracy, George M. Troup, Chas. Turner, junior, Robert Whitehill, David R. Williams, William Widgery, and Richard Winn.

NAYS—Abijah Bigelow, Harmanus Bleecker, Adam Boyd, James Breckenridge, Elijah Brigham, Epaphroditus Champion, Martin Chittenden, Thomas B. Cooke, John Davenport, junior, William Ely, James Emott, Asa Fitch, Thomas R. Gold, Jacob Hufty, Richard Jackson, junior, Lyman Law, Joseph Lewis, junior, George C. Maxwell, Jonathan O. Moseley, Joseph Pearson, Timothy Pitkin, junior, Elisha R. Potter, John Randolph, William Reed, William Rodman, Daniel Sheffey, Richard Stanford, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Pierre Van Cortlandt, jr., Laban Wheaton, Leonard White, and Thomas Wilson.

Ordered, That the title be, "An act supplementary to the act, entitled 'An act for the more perfect organization of the Army of the United States."

ADDITIONAL MILITARY FORCE.

The House resumed the consideration of the report of the Committee of the Whole on the bill in addition to the act for raising an additional military force.

The amendments made by the House having been agreed to, the question was stated, Shall the bill be engrossed, and read a third time?

Mr. MOSELEY said that, in stating concisely some of the reasons which would induce him to vote against the present bill, he should not attempt to enter into a consideration of the justice or expediency of the war, nor the policy of continuing it. War is declared, and it appears to be the determination of those who have the control of our public concerns to prosecute it with the utmost vigor; yes, sir, with a vigor that, within twelve months from the enlistment of the twenty thousand men to be raised by this bill, we are told must bring it to a successful termination. Really, Mr. Speaker, when I listened to the confident assurance of the honorable Chairman of the Military Committee, that with these twenty thousand men, in addition to the troops already raised, and voted to be raised, we should in a single campaign be able to conquer Canada, Nova Scotia, and New Brunswick, and that the object of all these conquests was to procure an honorable peace, I almost felt myself persuaded as a peace man to join the honorable gentleman in his project of fighting for peace one year, with such a certainty of obtaining it at the expiration of that period; but unfortunately I could not but recollect the fate of similar assurances made on former occasions. When we were about declaring war, I very well remember that we were told with equal confidence by gentlemen anxious to engage in it (and who would listen to no arguments, even for delay, against the measure) that we had only to declare war, and Canada would, in the course of a few months, at most, be ours; that the militia alone, with the aid of a very few regulars, would be competent to the conquest of the whole country, except the fortress of Quebec; and that that must very soon fall of course. An honorable gentleman from Vermont (Mr. FISK) informed us that the people of those Provinces would almost conquer themselves; that they were at least pre-disposed to be conquered—to use his own expression, that they were "panting" to participate in our liberey.

Experience has now proved the fallacy of these predictions. Gentlemen must now be convinced that Canada is not to be conquered quite so easily as they had imagined—that it is not to be subdued with a few thousand militia, regulars, or volunteers, though aided by proclamations. I mention proclamations, because they seem to be considered as an indispensable auxiliary on all great emergencies. What can be done by proclamation, I will readily concede we are competent to do. No nation, I believe, ever arrived at greater perfection in the art of proclamation-making than we have done; and if history is faithful to record them, we shall in this particular at least bear the palm from all the world.

Sir, it can afford pleasure to no man, who feels as he ought for the honor and interest of his country, to dwell unnecessarily upon the disasters and

disgrace which have everywhere attended our military operations from the commencement of the war to the present time. I mean upon land; for to our little Navy too much praise cannot be given. Our gallant seamen have not only afforded to their countrymen examples of valor worthy of imitation, but they have also taught us a lesson of wisdom, by which I am happy to find we have manifested a disposition to profit. But, sir, while gentlemen must feel mortified at the miserable termination of all our our boasted military exploits thus far, and might wish to draw a veil over the disgraceful scenes which have taken place, it cannot be done; it would be unwise to attempt it. We ought rather to look at the causes which have produced our misfortunes, and pursue a course in future which may not expose us to similar evils.

The disasters of the war have, not only by the honorable Chairman of the Military Committee, but by other gentlemen who have occasionally adverted to the subject, been ascribed principally to three causes: the misconduct of the Commander of our Northern Army in the outset; the disaffection of the people generally in the Eastern States to the war; and to the refusal of the Governors of Massachusetts and Connecticut to furnish their required detachments of militia. I apprehend, however, that to neither of these causes, nor to all of them combined, can fairly be imputed the series of disasters and defeats which we have experienced.

The capture of Hull and his Army might have retarded our operations in that quarter. But has there not been time enough to have retrieved that misfortune? Have we not since had other Generals to supply his place, and other armies more numerous than his, who might at least have obtained a foothold in Canada, if the conquest of it was so easy a matter as was represented? As to to the disaffection of the people in the Eastern States, it is well known that a great proportion of the people in those States are opposed to the war; but it will not be pretended, that they have not promptly complied with all Constitutional requisitions in support of it, except, indeed, by some in the refusal mentioned of the Governors of Massachusetts and Connecticut to furnish the detachments of militia required. And surely it would be attaching too much importance to their refusals, to consider them as paralyzing the energies of the whole nation. On this subject, Mr. Speaker, as gentlemen have more than once alluded to it, I would wish they would spare their remarks, and more especially their censures, until it is brought regularly before the House, if such step should be deemed advisable; then, perhaps, more may be said upon it than they have anticipated. And if those States shall consider Congress to have competent jurisdiction of the subject, they will probably acquiesce in any determination that, in their opinion, may comport with the true spirit and meaning of the Constitution, and not be incompatible with the rights of sovereignty reserved to them by that instrument. Perhaps this remark may be thought irrelevant to the subject immediately under consideration; if so, I can only plead as my apology, the practice of other gentlemen, and particularly the example of the honorable Speaker; who, I recollect, in his able speech on the subject of the Merchants' Bonds, took occasion to advert to the disasters of the war—the cause of them—and to comment with some severity upon the conduct of Massachusetts and Connecticut for refusing obedience to the requisition of the General Government. I think also he went so far as to pronounce an eulogium upon his friend from Kentucky, for his patriotic zeal and soldier-like conduct in a late expedition against the Indians. I do not mention this with a view of casting the least degree of censure upon the Speaker for his, but only as an excuse, if necessary, for my own digression.

But I will proceed to state, as I promised to do when I rose, very concisely, some of the reasons which will induce me to give my vote against the bill now under consideration. And, sir, my objections are grounded in a want of faith—an entire disbelief that the twenty thousand men proposed to be raised for the term of twelve months can be adequate to the objects for which they were said to be wanted.

I know that the Chairman of the Military Committee, who has doubtless paid great attention to the subject, is perfectly confident that these twenty thousand men, and the thirty-five thousand men already raised and to be raised, are competent to carry on our offensive war with success and afford all needed protection to every part of the country. And he certainly seemed to take a commanding view of the whole ground, when he addressed the House. I own, sir, I was struck with admiration at the facility and precision with which the honorable gentleman arranged and disposed of this force in different directions for the purpose of offence and defence. The whole nation seemed, indeed, at once to be "put into an armor and an attitude demanded by the crisis." We were, with this fifty-five thousand men, not only to be guarded at every vulnerable point at home, but prepared to extend our conquests abroad whenever we pleased.

But, Mr. Speaker, I would ask whether any gentleman, upon cool reflection, can bring himself to believe, that if, with all the force of every description which has been employed the Summer past—if, with the militia, regular troops and volunteers, we have not been able to gain a single inch of ground, but lost a territory—I would ask if it is seriously believed, that with the force relied on for that purpose, we shall be able in a single campaign to conquer all the British provinces in America? No further dependence, it is said, can be placed on militia or volunteers—all expectation of further aid from them is abandoned. The war is now to be carried on solely by regular troops. But how much preferable in point of discipline or any other point of view will be the raw troops now to be raised to ordinary militia? But we are told that our ill success has been owing to our officers. Our men are brave and would have been victorious, but we have had

bad Generals. How many are meant to be included in the epithet, I do not know: one has been the most openly denounced in this House.

Whether any or what change is to be made in the line of officers it is impossible for me to say. But, as there appears to have been an error of judgment in the appointment of some of our officers, what security is there that we may not suffer further from the same cause?—I say error of judgment; for it is not to be presumed, that on the eve of a war, officers would be selected from motives of favoritism. Suppose, then, that another General should prove unworthy, and from that or from some other cause we should fail of accomplishing all that is necessary to bring the war to a successful close the next campaign, what are we to do then? Raise another army of twenty thousand twelve-months men, and so continue to carry on the war? Mr. Speaker, it appears to me that those who have the management of affairs either are deceived or do not rightly estimate the magnitude of the work they have undertaken in engaging in the war, or are afraid from some cause or other to adopt the measures necessary to prosecute it with any prospect of success. The ground of controversy with Great Britain is indeed greatly narrowed. There is but one point of difference, it appears, remaining. But that is a point which we well know, or ought to know, that she will not yield until reduced to the last extremity—until absolutely compelled to do it. If we therefore persist in our demands we must expect a long and arduous conflict. Great Britain will no doubt defend to the utmost her possessions in America; and while we are attempting to wrest them from her, she will not probably on her part be idle elsewhere.

If gentlemen are determined to persevere in this war, they ought to sit down and deliberately count the cost and prepare their means.

We must, I apprehend, have more durable armies than twelve-months men. But, sir, I do not purpose to trespass upon any of the Parliamentary rules mentioned by the honorable gentleman from Georgia, (Mr. TROUP,) by proposing any amendment to the present bill. Much less does it come within my purpose to point out the course of measures proper to be pursued. But when a specific proposition is submitted to the House, I presume it cannot be thought incorrect for any gentleman to express his sentiments upon it, and suggest such objections as present themselves to his mind.

And I do apprehend, as I have attempted summarily to show—to say nothing of the impolicy of the war or the objections arising from the structure and genius of our Government to engaging at any time in offensive war—I do believe that the force proposed by this bill to be now raised, when added to that we already have, will be totally inadequate to the objects of offence and defence contemplated; that if we rely upon it we shall be again disappointed; that, instead of redeeming the honor of the nation, we shall be in danger of further defeats and disasters, of sacrificing more men and more money, and of plunging, if possible, still deeper into disgrace.

Mr. GOLD said the annals of this Government, the last six months, commencing with the declaration of war, would be found the most interesting, the most deplorable.

In that period, we have seen a war declared, precipitately and prematurely; for, notwithstanding all the arguments urged on that occasion, with so much zeal and eloquence, time has dissipated all; the illusions have vanished; your army, so confidently expected, did not, under the magic of that declaration, spring into existence; the condition of your enlistments would not, I apprehend, at this hour, justify the declaration of war. We have seen, sir, that war conducted in a manner well to comport with the spirit in which it was declared; disaster upon disaster in rapid succession have followed; the tone and heart of the country broken; universal disgust at the past, and deep concern and anxiety for the future prevail everywhere.

And what, Mr. Speaker, is now proposed for the future—what is to retrieve our affairs—on what are our hopes to rest? An army of twelve-months men! A broken reed! An army and term of service, which well nigh lost the country in the Revolutionary war; an army which in every step and stage of that war received the uniform and reiterated censure and condemnation of Washington, and every intelligent officer of that period; an army that stands recorded by every historian of that war with deep reproach and reprobation. Such is the foundation of our future hopes; shutting our eyes upon the lessons of experience, we live but to repeat former errors and renew our sufferings. Shall we never learn, that a soldier is not the creature of an hour; that he must be seasoned to the hardships of war; that to remove your recruit from his fireside, from his plentiful board, and all the comforts with which he is surrounded, to the theatre of service, there to sleep on the ground in tents, with two or three articles of subsistence only, is to give him up a victim to disease, to consign him to the grave? This precise result is presented to the mind by the melancholy review of the last campaign; disease and death have walked abroad in our armies on the frontier; they have been swept to the grave as by the besom of destruction. It has not stopped with your army; the frontier inhabitants, infected by the diseases of the camp, fly from the deadly theatre as from a destroying angel! Shall we never learn the difference between our situation, and that of nations who have a competent military establishment, sufficient at all times for both offensive and defensive operations?

The slender Military Establishment of the United States, whilst it consults economy, and favors the genius of the Government, forbids a hasty resort to war, especially extra-territorial and offensive war; time for preparation, after the measure is resolved on, is indispensable; and a disregard of our situation in this respect cannot fail to produce defeat and disaster—to produce such a campaign as has just now closed.

But, Mr. Speaker, wherefore change the term of enlistment, from five years, or during the war, to one year? The sole avowed object of the war by land was the conquest of the Canadas. Are you at this hour nearer your object than on the day you declared war, or has that object, with a steady and sure pace, constantly receded from you as you have advanced in the war? Is Canada so far conquered that you can now reduce the term of enlistment? It is impossible to shut our eyes on the past; while all is disgust and despondency with our own citizens—sick of the past, and concerned for the future; while every post brings to the Cabinet fearful and alarming changes in the sentiments of the people under this ill-fated war; your enemy, the Canadians, take courage, their wavering sentiments have become resolved, and union in defence of their firesides, the land that gives them bread, is spreading and cementing all in the patriotic vow.

There was a time, sir, when you had friends in the Upper Province; there were many who wished well to your arms, and would have greeted your approach, but that ill-fated policy which precipitated everything, which in zeal for the end overlooked the means, has blasted all our hopes from that quarter. The Canadian, while he knows your power, distrusts your wisdom and your capacity to conduct the war; he dares not commit himself, his all, to such auspices. Hence, sir, difficulties thicken on every side, and at least three times the force is now necessary to effect the conquest, which would have been required at the commencement of the war. Have we made an impression on the Prince Regent and his Ministry? are they now more disposed to succumb and accept your terms than before the war? How stand the people of the British Empire? Instead of their coercing the Government into our terms, which we fondly anticipated, the late election to Parliament shows them disposed to go hand in hand with the Government in resisting our claims, and inflicting on us all the evils of war. "Maritime Rights" are echoed and re-echoed with applause throughout the Empire. Such, sir, are the bitter fruits of your policy, and to what farther point the same hand shall conduct the destinies of the country, remains to be seen.

I seek not to aggravate the misconduct of the war, nor to commend our enemies, but only wish, sir, that we may see things as they are, our actual situation, and thus look danger in the face. Do you persevere in the conquest of Canada? Pass not the barrier with an army of less than forty-five or fifty thousand men: if you do, in my apprehension, the defeats and disasters of the past campaign will be visted upon you; another army will be made to pass under the yoke, and at the end of the year, you will find yourself still further removed from your object. The tug of war is now placed fairly before us, we cannot advance without meeting it. Such, Mr. Speaker, are the grounds on which I object to this twelve-months army; it is not adapted to the professed object of the war, the conquest of Canada. Is there, sir, any other object in contemplation of the Government; any other land of leeks and onions, which Heaven has given us, or to which our destinies lead? Is the South of easier access than the North, and is the circle of hostility to be extended to that quarter? We profess a pacific policy; moderation and justice are our boast; let us beware how we commit to the hazard this high and enviable character; how we yield, on specious grounds, to the mad and destructive policy which we reprobate in others; a policy which has in all periods overwhelmed nations with calamity, and swelled the tide of human misery. But it is said, that Mr. Russell, late Chargé d'Affaires at St. James, has evinced the moderation of our Government, that he tendered to the British Minister a proposition which, by excluding British seamen from our vessels, would cut up the dispute by the roots. Is the fact so? Had Mr. Russell or the President authority to stipulate? If he had not, if all he could offer must be subject to the Legislative discretion of Congress, acting under the impulse of war, the tender was nugatory and void. Why this proposition was not made before the declaration of war, before the passions were kindled into a blaze, I have never been able to discover. We all remember how frequently the diplomatic notes passed between Mr. Monroe and Mr. Foster in the months of May and June last; how each Government exerted itself, through its agents, to profess and show its disposition to peace and reconciliation, to obviate difficulties, and make concessions, and present its claims in the most moderate and least exceptionable form. Wherefore was this proposition, at that all important period, held in reserve? Why is the blaze of war first kindled and then the olive branch thrust into the flame? I should be loth to believe, that you withhold when it would be received, and offer only when the passions are worked up to a point to refuse. The subject requires explanation; propositions agitated at a former period, under a different Minister, will not satisfy the candid inquirer on this point. But, sir, though the proposition be made informally and at a late and inauspicious hour, it is, in my conception, the bounden duty of those who have made it, and place so much stress and boast upon it, to make good the tender, by passing the requisite laws to give effect to the proposition, and make it binding; or, in other words, to give to the President power to stipulate for the exclusion of British seamen from our vessels. The result of such an overture, will, in my apprehension, much depend on the spirit of candor and fairness in which it is made. In any event, and in whose ever hands the Government may be, the people of the United States will not long maintain a war, at the present enormous expense, for the single article of impressment, especially if the redress can be obtained by the exclusion of British seamen from our service. But if, Mr. Speaker, the appeal to arms for redress is to be persevered in, there are considerations in a review of the past, which forbid a hope of the speedy return of peace, at least in the life and continuance of the army raised by

this bill. Nothing touches the passions and sinks so deep in the heart of a belligerent as the departure of a neutral from his duty, and siding with his adversary; such a belief in Englishmen, of the conduct of this Government, whether well or ill-founded, cannot fail to prolong the war.

I fear there are points in our neutral course, in our relative conduct towards Great Britain and France, which will not bear examination. You proclaimed the Berlin and Milan decrees revoked, and put upon Great Britain the threatened alternative of non-intercourse. Was the fact so? You took a promise for the fact; you proclaimed the fact, while France herself, the author of the deed and party to be benefited, denies and disowns it as done at the time. Here was a fatal error; a departure from the straight line of justice; and when our error in this was palpable to all the world, we gave no explanation, no excuse, but persevered in a measure which led to war. It is this course, sir, this departure from even-handed neutrality between Great Britain and France, that has lost you the support of your own citizens to a great and alarming extent, and at this moment sustains the British Ministry in the hearts of Englishmen. It is this belief of our Government's leaning to France, that has carried that Ministry so triumphantly through the late elections to Parliament.

If anything could add to the gloom and sicken the mind under the prospect before us, it is the inauspicious conjunction of events. America and France both making war at the same time on Great Britain; we making the enemy of France our enemy, and this at the ill-fated moment when the all-grasping Emperor of that country is rolling a baleful cloud, charged with destruction, north upon the Russian Empire; upon a Power always just to America; upon our truest and best friend in the European theatre. Against such a friend, at such a period, we have beheld the march of the Corsican through rivers of blood; his footsteps are traced over the ashes of the proudest cities, and he sits himself down, at length, at Moscow, like Marius over the ruins of Carthage.

Mr. M. CLAY said he was opposed to the passage of the bill in its present shape, but for reasons very different from those urged by the gentlemen who had last spoken (Mr. MOSELEY and Mr. GOLD.) His objection to it was, that it was following the unfortunate policy pursued in the commencement of the Revolution, in the shortness of the term of enlistments, which is the greatest misfortune that can befall a nation at war, in the arrangement of its military concerns. Our first men during the Revolutionary war, said Mr. C., were enlisted for six weeks; our next for three months; our next for six months; our next for nine months; the next for twelve months; the next for two years, then for three, and, lastly during the war. But every man who went out to serve under those short enlistments and returned, brought disgust home with him. Some gentlemen thought, when war was declared last year, that it could be carried on by volunteers, and that they were to end the war directly. You see the bad policy of this now. And if you pass this bill, enlistments will be defeated by those hostile to your measures, or the movements of this force will be procrastinated, till the year expires without their having done you any service. An army is a mere machine, and you must give time for its perfection, until it is prepared for operation, as the machine from the hand of a master workman. You cannot do what you wish with one year's men; it is impossible. You will run the country to a great expense for no benefit, and will disgust the men who shall have entered the army. Go on with your enlistments for the full term of five years. Whether the war be a bad one or good one, you must unite and get out of it. The only way to insure success is to unite. As to speaking of the people of the provinces withdrawing themselves from the British sway, it was idle to expect it unless they were assisted by our measures. It had been our misfortune, from our inexperience in the art of war, like most young people, not to make proper calculations at its commencement. The militia had refused to cross the lines, and would be totally inefficient for the purpose of carrying on the war, as had been foretold by men of experience. Speaking of militia, Mr. C. said, a bill had been reported to the House for classing the militia, which had always been a favorite object with him, and he believed that was the only way in which the militia could be made effectual. On the present occasion, he said, he regretted to see so able a body treading step by step in those early measures of the Revolution which had proved inefficacious. The money already expended on the militia and volunteers had answered no end but to disgust themselves and neighbors; and it always would be the case with men enlisted for short terms of service. Mr. C. concluded by moving to strike out "one year," (the term of enlistment,) and insert "during the war."

Mr. FISK was opposed to the motion, and should himself almost give up the bill if it prevailed. He asked the attention of the House for a moment to a comparison between the present state of the country and the commencement of our Revolution. What was that period, and what were the objects of the war? We were then colonies to Great Britain, not calculating on separation from the mother country, but on resistance to her oppressions. You will find, sir, on looking into history, that this was the course of the First Congress which met. Great Britain then not only claimed and exercised jurisdiction over these States, but had armies in the country, and it was not until independence was declared that it became a serious war. The war then progressed slowly; the difficulties were encountered which have been adverted to by the gentleman from Virginia, (Mr. CLAY,) until Great Britain became involved in a war with all Europe, and was obliged to withdraw her forces from our shores. Our situation is now very different. No man, sir, believes that Britain can maintain an army here now. How long will it take us with an ample

force to overthrow Canada? It will be as easily done in one year with sufficient force, as in three years with less than an adequate force. The mere diseases of the army will waste more men in encampments in three years, than taking the country in one year's hard fighting will dilapidate it. The gentleman from Connecticut (Mr. Mosely) has referred to an observation which I made at the last session, that the people of Canada were ready to conquer themselves, which he treats as having been visionary. You have been told by gentlemen themselves that they were ready to join you, but your disasters have enlightened them. And to prove the truth of what I said at the last session, I would refer to the first proclamation of General Hull on entering Canada, under which five or six hundred men flocked to your standard; but, owing to the cowardice or something else of your General, they were surrendered. Had he behaved properly, Upper Canada would have been yours now.

As to the motion before us, sir, to strike out "one year" and insert "five years" as the term of enlistment, we cannot get men quickly for three or five years, and it is well known we can get them for one. The gentlemen say, they wish a respectable force. This bill, sir, offers the very best means and the only means of speedily obtaining it.

With regard to the relations of this country with Great Britain, and the opinion of the people of that country, and their disposition now to support their Government, I agree with the gentleman that they always will; and I am sorry, sir, that the impartial pen of the historian must record that in this free country are to be found men who advocate the cause of a foreign country and condemn everything done in their own. I am sorry to hear it said on this floor, sir, that we have no cause of war, and had better go home. I was sorry to hear an excuse made for the refusal of the British Government to accept the pacification last offered, that Mr. Russell's powers were deficient. How, sir, are we to expect the conclusion of a war, if it be not through our accredited agents? Why did not the gentleman say, that if the British Ministry doubted his authority, they might still have approved his propositions? Why did they notify Mr. Russell that it was a subject on which they did not choose to negotiate? What apology can be made for an enemy that has treated us in every instance with injury, insult, neglect, and contempt? And yet we hear her defended! It is strange, sir, how the same gentlemen who apologize for her feel towards Russia at this moment. When a mission to Russia was spoken of a year or two ago, they said it was unadvisable because she was at war with Great Britain; and now that she is in alliance with Great Britain, she has their warmest affection. These things, sir, speak for themselves; the people cannot be blinded to them; it is too late for such conduct; the funeral has gone by.

I should be extremely sorry if this bill should be lost. It embraces the only efficient force you can get. When you shall have conquered the Provinces with its aid, you will have enough five years' men to maintain the posts in them. You want now a sufficient force to overrun the Provinces. Ten thousand men will be enough for the upper province, fifteen thousand for the lower, with the exception of Quebec. Of all descriptions of forces, that proposed by the bill will be the best for the times. They will be willing to enter for one year, and submit to discipline. If it be changed to five years, the object will be defeated entirely. I hope the gentleman will withdraw his motion on further consideration.

Mr. Widgery said he would vote for the motion to amend if the gentleman from Virginia would so amend it as to move to substitute eighteen for twelve months' enlistment. I should have no hopes of getting troops for the next Summer's campaign, should such an alteration take place as to make the enlistment during the war; but to alter the bill from twelve to eighteen months' enlistment would meet my wishes much better than it now does. I fully agree with the gentleman from New York, that the time of enlistment is too short, although, had I brought forward the amendment, I am sure the gentleman and his friends would not have supported me—his argument must, therefore, be set down to the side of opposition. Sir, if you enlist men for twelve months only, before you can get them disciplined and concentrated to any one point, so as to be useful, one half your time of enlistment would be out. Sir, if it is as gentleman say, the men can be enlisted by the last of May—with an enlistment for eighteen months you can have two campaigns, while in the other case of twelve months, you can have but one campaign. The only reason I have heard against it is, that you must be at double the expense for clothing, &c. Sir, the answer to this is given in your bill—if not sooner discharged. If your business is finished in one year, you can discharge them as well as if you had enlisted them but for one year—and eighteen months is so short a time that you may get them for that time, if you can get them at all. Many unforeseen accidents may happen to prevent your accomplishing your undertaking the first campaign, which may make it necessary to attempt a second; for which reason, notwithstanding I am opposed to amending from twelve months to an enlistment for during the war, if the gentleman chooses to alter it to eighteen months, I will go with him; otherwise, I must vote against the motion, because I do not think it will answer the purposes for which the bill is intended, as men commonly choose to have a time fixed in their enlistment.

Mr. Boyd said he rose to offer his sentiments on the question now before the House and the bill generally. Sir, said he, I do not expect to make one proselyte to my opinion. I know how difficult it is to persuade predetermined men. All I ask is an impartial hearing from the Speaker and the House; in that I will hope to be indulged. I will try to take a comprehensive view of the past, the present, and from that look to the future When war was declared last session it is well

known that I gave my voice against it, because I thought it premature—that we were altogether unprepared. What has the event proven? That, in that I was at least correct. It was altogether a mistaken zeal for the attainment of what we called our rights. Having made that mistake, I could and do most seriously hope that our disasters would arrest our sanguinary progress, and not plunge ourselves still deeper and deeper in such unpromising, and, in my view, ruinous measures. As near as my memory serves me, the expressions of many gentlemen in the majority, last session, were loudly and constantly reiterated, that the spirit of the nation was up, and demanded of us that we should declare war, and give them an opportunity to revenge the wrongs and the insults of their injured country; that they would rush to the American standard, to the tented field, and to danger; that the militia would, if permitted, take the Canadas; the volunteers with their high spirit of patriotism would do it. Well, sir, they have been let loose; is it done? No, sir; nor will it be done short of a regular force equal to the magnitude of the undertaking. When the war was declared, perhaps we had five thousand men—I believe not more—to defend three thousand miles of a savage frontier, including Canada. Will any man say that our force was equal to the attainment of the thing proposed? The honorable Chairman of the Military Committee acknowledges he has been deceived in his calculations with respect to the prowess and high martial spirit of the militia and volunteers, (I have not,) and hence that Committee, through their Chairman, recommends the raising twenty new regiments to be enlisted for one year, and, that is, according to the present view, to achieve the grand object. No, sir, not in my mind. I will ask, will your numbers on paper conquer the British possessions in America? No, sir; we have tried that, to the conviction of every man in America that will think at all, and to our disgrace; beware of the second attempt of the same kind. Mr. Speaker, I ventured last session to say that it would require fifty thousand disciplined troops to complete the reduction of the Canadas, including Quebec. That idea was much scouted at that time. I am now fortified in that opinion by a majority of the House. And the question is, how are you to get them? I answer, not by the present bill in its present form. I join with the gentleman from Virginia (Mr. CLAY) who says that by short enlistments you never can have an army in the field that can be depended upon. What said the late General WASHINGTON on that subject, in his letters to Congress in the Revolutionary war, whom we all respect as our first authority? It is this, that short enlistments gave you men to feed and clothe, and that their time was spent in collecting, marching to camp, and returning home; that they could not be disciplined; and, when with the army for a short period, could not be relied upon, and, therefore, advised enlistments for more extensive periods, or for during the war. I hope that this will be thought good authority. In addition to this, Mr. Speaker, with your leave, I will mention a discourse that took place between General Wilkinson and myself some few days before he left this city last Summer, as I think it in point to my present purpose; it was this: I observed to him that I was desirous of asking him a question, but was not sure that it was a proper one; that, howsoever, I did not mean that it should be otherwise, and that he must be the judge. He replied: your question, sir. It is this; if we had at this time thirty thousand troops enlisted and here at Washington, would you undertake to reduce the Canadas, including Quebec, to obedience to the United States, in one campaign? He said, do you wish an answer to that question? If agreeable to you, sir. I have no hesitation in answering you, sir, said he, and then said, I should not like to risk my reputation on it. This I give as an additional authority for the opinions that I advance on the present question. Sir, I am as little inclined to relinquish my rights or the rights of the American people as any gentleman on this floor; but what they are and how they may be best defended, for me is a different and an important question. Do I doubt the zeal and patriotism of the honorable Chairman that reported and those that support the bill? I do not; but the proposition appears to me to be plunging the country into more and more difficulty, and, therefore, objectionable. Sir, when the Chairman was called upon as to the number of troops that we had actually now in service, he answered that the committee had the returns that would satisfactorily answer that inquiry, and that the reason it had not been exhibited was, that the committee thought it inexpedient; but if any member would call on the committee, the sight of the papers should be at their service. Sir, I want no secrets; it requires no great depth of judgment to define why it is inexpedient; the language is but too plain; and will you now add twenty regiments before you know whether the men are to be got or not—increasing our national debt beyond calculation? If it is necessary to have such an army you are to remember that they must be paid—with what? Money? No; that you have not got. Will you tax the people? No. Why not? The reason is too plain. I wish not to involve the country in an irredeemable debt. If the national debt of England be a sore calamity to that people, and a grievance almost insupportable, as I believe it is, and I think cannot be denied; and yet, sir, we are treading exactly in her steps; I feel that you are mortgaging my property and that of my posterity for what perhaps you can never obtain. What is it? Why, that a few stripes at the masthead of any ship shall be a protection to everything on board, whether enemy's or contraband of war, contrary to the usage of all Europe for three centuries. I do not say that England will not relinquish a part of her claims. I think that it is more than probable that she may, but why will she do so? Because that by such an agreement she is furnished with the vast advantage of vending to the United States sixty millions of

dollars worth of her manufactures, and receiving the best payment from us of any part of the world, and most suitable to her internal welfare. If she does, and I hope she will, those are her motives, and not your land conquests, that will compel her to yield to our demands.

Sir, I am sensible that I am taking a greater latitude than might be thought strictly correct: but I hope that I shall be pardoned when I say that I think the subject demands and requires it of me. I know that it may be said to me, that it is much easier to find fault with what is offered, than to point out a better way. Sir, I think that might easily be done, in either of two several ways; and I shall attempt it before I sit down. But before I do that, let us examine what advantage those provinces would be to us. For argument, I will suppose a sufficient force before the walls of Quebec—further, suppose it surrendered to your arms, with all the upper country—how many men must you keep in pay to garrison and to keep it? And what use will it be to us unless you have Halifax also—and that you cannot take or keep without a superior naval force? Have we got that? No; the timber is as yet growing that is to form that part of our force—and without it your Canadas are worse than nothing. Sir, I am not a correct geographer, but I understand that the St. Lawrence is the natural outlet for one-half of New Hampshire, great part of Vermont, a considerable part of New York, much of Pennsylvania, and some part of Ohio. Whence is the produce of all that country, that I have been describing, to find its way out, whilst your enemy has the command of the river? Ah! but, say the advocates of the present bill and the war, we have other force to rely on—our privateers will so annoy and distress their trade that that will bring them to our terms. I will ask, if this is not in contradiction to themselves? England, with a fleet superior to all Europe, cannot protect her commerce against our private armed ships, say they. And I grant it. And then I ask, how we are, with our small force, to protect our trade against their privateers and men of war? Sir, the argument is conclusive against themselves by their own showing.

Sir, last session, when we were flattering ourselves with those delusive hopes that the militia was to achieve everything, then the volunteers were to do all that was necessary, it was my misfortune not to see things in quite so pleasing a point of view; I still labor under that misfortune; then New Hampshire was to take the Canadas—Vermont, only give her liberty, she would take it—Pennsylvania, Tennessee, and Kentucky, they would do it—

[Here the SPEAKER observed to Mr. BOYD, that he was not in order; the question before the House was on the amendment. Mr. BOYD gave way and did not finish his observations.]

The question was then taken on Mr. CLAY's motion, and negatived.

Mr. MACON moved to strike out one and insert five years as the term of enlistment. He regretted as much as any one the disasters which had befallen the country; and there was but one way to obviate their effects, and that was by rising superior to them, as a part of the nation had already done—he meant the Western country, where a patriotism had been exhibited equal to that which might have distinguished Rome in its best days. Their zeal was equal to their bravery—and the only drawback on their enterprise was the difficulty of finding something to eat in the wilderness. We must rise after reverses. What, sir, said Mr. M., would have become of Rome, had she desponded when Hannibal defeated her armies? She rose upon it, and became the mistress of the world. What would have been the situation of our cause in the Revolution, if, after the British successes in Jersey, we had desponded? But the men of Pennsylvania and New Jersey rose on it, and victory and triumph followed. Our object now ought to be to recover the ground we have lost, and meet the enemy with troops that will insure success. We are told, sir, this war has united England to a man. Sir, I never expected aid from our enemies. Let us follow so good an example, and unite to a man; let us remember the old Continental maxim—"united we stand, divided we fall." If we were as united in defence of our rights, as England is in her usurpations, this war would not last a single campaign—and I hope in this respect, we shall at least, learn wisdom from an enemy. The calculations about one or two campaigns, however, in present circumstances, are visionary. We have engaged an enemy not in the habit of yielding very soon. But, if we were to unite, the question would soon be settled. The cause and object of this war has been more concisely stated by one of those actively engaged in it, than by any other person—I mean Captain Porter's motto—"free trade and sailors' rights;" no man could have given a better definition of it. It appears to me that one part of this Continent ought to be zealous for the rights of seamen—another part for a free export trade; and, if we were, as we ought to be, united, the war would be carried on with energy and with success. I agree with the gentleman from New Jersey, that this thing is not to be done by paper men. My opinion is, that the best thing we can do, is to raise men for five years. Let the Legislature of the country do its duty. If the thirty-five thousand men now authorized, be not enough, let us get as many as will be adequate to the end we propose. Gentlemen have thought proper to review former transactions. I would be willing to pass them over. I believe almost every measure adopted by the General Government would have had its destined effect if adhered to. You have always got the better of the argument; you have better proclamations; but what avails all this? Britain has impressed your seamen, and given you blows for good words. You have been heretofore told your paper measures were worth nothing: now, that it is proposed to give blow for blow, what is said? That you are departing from the pacific system, which the same persons before reprobated, and to which they have become

friendly only after every attempt at pacification has failed. Sir, we are now engaged in war, and we must succeed or we must yield the rights of sailors and free trade. Does any man doubt that the war is justly undertaken? Is there a man in the nation—I care not of what political sect, many as there are—who believes that the war is not undertaken on just grounds—that we had not borne with their indignities till we could have borne them no longer? After plundering your property and impressing your seamen on the ocean, their agents have been sent into this nation to sow divisions among us, who ought to be but one family. What crime has been left undone? What injury have we not suffered? Could one be added to the catalogue? It seems to me not. No man loves peace more than I do, and if it had not been for Great Britain sending her agents to our firesides, I do not know but I should have voted against the war. It seemed to me like an attempt on a man's daughter. Not content with vexing and harassing you whenever you went from home, they came here to put strife into your family. You have been told that the Prince Regent and his Ministers are firm. Sir, we never calculated on their receding, but on the energies and force of the nation to obtain redress, and if we had been united we should have quelled our most sanguine expectations. Let us follow their example, and determine to maintain our national rights, as they do to maintain their usurpations on them.

With respect to the term of service, enlistments for one year will look as if we were afraid to go the whole length of the war. Raising men for five years would convince the enemy you meant to maintain and enforce your rights; but while you take men for one year or eighteen months, they will think we are temporizing, and instead of lowering their tone by this means, you will raise it. Exactly as you appear fickle, they will unite, and as you display energy you will disunite them. Do not loosen your grasp in any quarter, but increase it in every way within your power. Mr. M. concluded his remarks by moving to strike out one and insert five.

Mr. M. CLAY seconded the motion of Mr. MACON to strike out "one year" and insert "five," as the term of enlistment. He said an army ought to be seasoned before it was carried into the field. We have heard much said, observed he, about sickness in your army; much of the sickness, some time ago, at New Orleans, and much lately of the sickness at Plattsburg. Have you ever heard of an army on earth that was carried into the field before it had been seasoned in the camp? It must, to be good for anything, be first disciplined in camp, and become inured to the mode of living and the fare of soldiers. It will take some time to season men to the change in their mode of living which must take place on going into camp. It will take a year to prepare them for the field. Without discipline they will be useless. Your seamen are brave and successful because they know what they go to sea for. Take a landsman on board a ship, and what sort of a sailor will he make? Such as the French have on board their vessels. We take no man into the Navy but who understands his business and the purpose for which he goes there, and we see the effects of it. I do not wish it understood, sir, if I vote against the bill, that I am opposed to the war. No, sir. It is a righteous war, into which I go with hand and heart. We may differ about the mode, but that is all. I speak from experience more than from anything else. Let us raise a sufficient army to serve during the war, be it long or short. It is absurd to suppose that we shall not succeed in our enterprise against the enemy's provinces. We have the Canadas as much under our command as she has the ocean; and the way to conquer her on the ocean is to drive her from the land. I am not for stopping at Quebec or anywhere else; but I would take the whole continent from them, and ask them no favors. Her fleets cannot then rendezvous at Halifax as now, and having no place of resort in the North, cannot infest our coast as they have lately done. It is as easy to conquer them on the land as their whole Navy could conquer ours on the ocean. As to coping with them at sea, we cannot do it. We can annoy them, but not meet them on the open sea. I would meet them and hurt them, however, where we can. We must take the continent from them. I wish never to see a peace till we do. God has given us the power and the means; we are to blame if we do not use them. If we get the continent, she must allow us the freedom of the sea. I hope, sir, the amendment of my friend from North Carolina, going to make this army more efficient, may be adopted.

Mr. PLEASANTS said, before the question was taken, he wished to submit a few of the reasons why he was opposed to the amendment. The question before the House, if he correctly understood it, was not, what were the best materials of which to make an army; whether men for the war, for five years, or for twelve months; but the question was, what is the kind of force, and for what length of time can you raise an army to take the field at the earliest period? I hesitate not a moment, Mr. P. said, to declare, that if it were within the compass of our ability to raise an army for five years by voting it, I would authorize it. Not a moment should I doubt on the subject. The history of the world is strongly in favor of such an army. But we perfectly know, from the progress of the recruiting service, that we have already authorized as many men of that description as we shall probably be able to raise. This force is wanted to render the next campaign efficient. I consider the bill merely as a substitute for the volunteer system heretofore pursued. Of what materials will this army be composed? Of young men ready to volunteer their services for one year in the form of regulars; and in ninety-nine cases out of a hundred, men will enlist in this corps who would not enlist for five years, or for the war. I am sanguine in the opinion, that this measure, if now adopted, will do away the defects of the present volunteer system,

and I am fully of opinion, that under it, a force may be drawn into the field ready to act efficiently in the next campaign. I am not one of those, sir, notwithstanding the accounts we have heard of our disasters, who despair of the Republic. If we turn to history we shall find that we have never engaged in any war in which we have come out better in the first campaign than we have in this. Look at the war undertaken under the auspices of Gen. Washington against the Indians. What was the history of it? We all recollect the campaign under Harmar, and its bloody scenes. The campaign under St. Clair cannot be forgotten. We then suffered defeat upon defeat, disaster upon disaster, in the course of the war, which was not terminated till the Treaty of Greenville, in 1795, though it may be said to have virtually terminated by the defeat of the Indians by General Wayne, which occurred previous to the treaty. If this country be willing to go into the contest heart and hand, we shall, in a very short time, demonstrate to the enemy all we want to convince her of, that it is in reality her interest to be at peace with this country. I hope, sir, the motion to amend the bill will not prevail. I am perfectly convinced that the bill as it is will enable us to call a valuable force into service, and I am sanguine in the hope, that, with its aid, together with the other force we shall have, we may clear the continent of the enemy's dominion in one campaign, though I do not undertake to predict that we shall.

The question was then taken on Mr. MACON's proposed amendment, and lost.

The question recurred on the passage of the bill to a third reading.

Mr. PEARSON said, not unfrequently it happens, Mr. Speaker, both in private and political life, that men of the clearest perceptions and most correct motives, experience much difficulty and embarrassment in determining on the course best to be pursued, or the application of means best calculated to produce a given object. The object most devoutly wished for by myself, and, no doubt, equally desired by every honest and honorable man in this community, is, that my country should once more be restored to the enjoyment of peace. Under the pressure of existing circumstances, involved in a war with a powerful nation—a war now prosecuted for a doubtful, or, at least, strongly controverted question of national right—a war, the prosecution of which, so far as relates to our military operations, has everywhere, and on all occasions, been attended with disgrace, defeat, or disaster; under such circumstances, I confess, sir, I am not free from embarrassment in determining on the course demanded by genuine patriotism, or best calculated to restore the blessings of peace to the country. I rejoiced to hear the honorable Chairman of the Military Committee (Mr. D. R. WILLIAMS) declare, the other day, that his object was also peace. It must be a source of gratification to the country to learn that some of the strongest advocates for the declaration of war begin now to think and talk of peace.

The honorable gentleman, however, urges the passage of the bill under consideration (which authorizes the enlistment of twenty thousand additional regular troops for one year; and provides for the appointment of proportionably an unusual number of officers, with all the accompanying paraphernalia of an army,) as the means best calculated to produce the end in view. Did I believe, sir, that the passage of this bill, or (what is more difficult and less likely to happen) the actual enlistment of the proposed additional force, would secure to us our object, I would not only consent to give this force, but ten times the number, if it were by force alone to be obtained; but when I reflect on the special and sole cause for which it is avowed the war is now prosecuted; when I consider the relative strength, situation, and disposable force, by sea and land, of the two nations, and especially when my recollection is assailed (for we cannot, nor ought we to, close our senses against such damning facts) with the heretofore scanty enlistments; the confusion and insubordination which has pervaded many parts of your army; the extraordinary expense already incurred, and the uniform disasters which have marked all your military operations, I cannot bring my mind to the belief that the force now proposed can produce any desirable effect.

Mr. Speaker: As much as I was opposed to the declaration of war, and as much as subsequent events have convinced me of the correctness of the vote I gave on that momentous question, it is not my purpose on this occasion to question the policy of that unfortunate act. My mind is bent on peace; to that object my efforts are directed. The impression is strongly fixed on my understanding, that this war can be terminated with honor and advantage to this nation, without the further effusion of human blood. If so, surely no Christian will deny but justice, humanity, and sound policy demand that nothing should remain undone, on our part, to stop this career of carnage and bloodshed. I have said, sir, that it is my impression that this war can be terminated with honor and advantage to this nation, without a further appeal to arms. In stating this opinion, I do not mean to be understood as identifying the honor of the nation with the honor of those by whom the war was declared; or, in other words, I do not admit that the national honor rests solely in the hands of those who may happen to be in the Administration, or who may happen to constitute a majority in Congress. No, sir, this is an elective Government—the power and ultimate responsibility rest with the people; they cannot be dishonored unless they pertinaciously approve of unwise or wicked measures, and continue to support the authors of such measures. It is, therefore, not with me a primary consideration, in the suggestions I am about to make, how far the honor or reputation, for political wisdom, of any individuals may be affected by the adoption of the plan for peace which has occurred to my mind. I do not know that any honorable gentleman will be

fected by it, should it be adopted. I hope he ill not; to me it is perfectly indifferent who are power, so that the affairs of the nation are ell conducted.

Mr. Speaker: Whatever may have been the iginal causes for the declaration of this war, e are now taught to believe that the question in ontest is reduced to a single point. The Brit- h Orders in Council were repealed on the 21st June, three days after our declaration of war; id of course, without a knowledge of that event, e blockade of May, 1806, had long ceased to ist. The sole avowed cause, therefore, re- aining, and for which the war is now carried , is the practice of impressment from on board ir merchant vessels. This subject has for many ears engaged the attention of both nations; it is been a fruitful theme of execration and dec- mation for almost every editor and orator of e age. Great as our cause of complaint may ive been, (and I am not disposed to palliate it,) must be admitted by all who understand the ture and true bearing of the question, that it is been subjected to much exaggeration. Per- it me, sir, to remark, that notwithstanding the nportance, the difficulty, and delicacy which ive been justly attributed to this subject, and e unwillingness at all times manifested on the rt of the British Government to abandon or rogate from the *abstract* right of impressing r own seamen from on board neutral mer- ant vessels, it is very far from being certain at she has not been willing to enter into such rangement with this Government, as would ace the question of impressment on a basis th safe and honorable to this nation. By a ference to the correspondence of Messrs. Mon- e and Pinkney with the British Commissioners, hich preceded the treaty concluded by those ntlemen in the year 1806, but which was un- rtunately rejected by the then President, it is vident that the interest of impressment was, in e opinion of those gentlemen, placed on a foot- g well calculated to secure our own seamen om the abuse against which we had com- lained, and against which it was our duty to otect them. This opinion was not only ex- ressed in forcible and decisive language at the me of entering into the arrangement, but re- eated by Mr. Monroe more than a year after, in formal letter to the Secretary of State. The nguage of that gentleman, now your Secretary f State, is peculiarly emphatic, and must be ithin the recollection of every gentleman in is House. Without troubling the House with e reading of the documents referred to, it is fficient for me to state, that your present Secre- ry of State did, in a letter addressed to Mr. adison, dated February 28, 1808, declare "that he always believed, and did still believe, that the ground on which the interest of impress- ment was placed by the paper of the British Commissioners of the 8th of November, 1806, and the explanations which accompanied it, was both honorable and advantageous to the United States."

Thus, sir, as we have conclusive evidence of a disposition on the part of the British Government, at one period at least, to advance considerable length towards an adjustment of this long contested question; and as we have no evidence that different principles and claims are now asserted from those then advanced; I think it fair to conclude, that it is still in our power to put an end to this controversy with safety to our seamen, and advantage to the nation. Instead, then, of passing this bill, and spending the blood and treasure of our countrymen in the prosecution of this war, I conceive it our duty to make an effort for the sanction of our just rights, and the restoration of peace, without a further appeal to force. It is my decided opinion that such an effort, if fairly and liberally made by this House, and the Executive branch of the Government, would not fail in producing the desired effect.

The peculiar nature of the question, which now constitutes the sole object for continuing the war; the intimation given by the Executive in the correspondence with the British Government, since the declaration of war, together with the opinions stated by Mr. Monroe and Mr. Pinkney, in their letter to the Secretary of State of January 3, 1807, all tend to confirm me in the belief, that it is the duty of Congress to pass a law which would not only check desertions from the British service, by excluding persons of that description from employ in our service, but also deprive the British Government of the apology alleged for impressing American seamen, by excluding British subjects from the commercial and public service of the United States. Having alluded to the letter of Mr. Monroe and Mr. Pinkney of the 3d of January, 1807, I will take the liberty of reading from it a short extract. After stating the opinion they had formerly expressed, that although the British Government did not feel itself at liberty to relinquish formally, by treaty, its claim to search our merchant vessels for British seamen, its practice would nevertheless be essentially, if not completely, abandoned, they observe: "That opinion has 'since been confirmed by frequent conferences 'on the subject with the British Commissioners, 'who have repeatedly assured us that, in their 'judgment, we were made as secure against the 'exercise of their pretension by the policy which 'their Government had adopted, in regard to that 'very delicate and important question, as we 'could have been made by treaty. It is proper 'to observe, however, that the good effect of this 'disposition, and its continuance, may depend, 'in a great measure, on the means which may 'be taken hereafter by the Congress to check 'desertions from the British service. If the 'treaty is ratified, and a perfect good understand- 'ing is produced by it between the two coun- 'tries, it will be easy for their Governments, by 'friendly communications, to state to each other 'what they respectively desire, and in that mode 'to arrange the business as satisfactorily as it 'could be done by treaty."

Thus, sir, had the treaty of 1806 been ratified

and a good understanding been produced between the two countries, Congress were warned, even in that event, that it was their duty to lend their aid in rendering effectual and perpetual any arrangement which might be made on this subject of impressment. As to the late communications from the Executive department, made to the British Government, since the declaration of war, it is not my intention at this time to enter into a particular examination of their merit or demerit. I will barely remark, that to me they present a novelty in the history of war and diplomacy. Propositions, alleged to be of a pacific nature, made in six days after the declaration of war! Such a procedure (much as I desire peace and much as I was opposed to the war) is to my mind, to say the least, extremely extraordinary, and its policy incomprehensible. It is the more so from the circumstance of a British Minister being on the spot at the moment of declaring the war and keeping up a continued correspondence with the Secretary of State to the last moment of the existence of peace. Under such circumstances I should conceive each nation ought to have known the *ultimatum* of the other and not waited for the form of a declaration of war, to resume the negotiation and give a new shape to their proposition. I confess that I am not surprised at the result of this war negotiation—everything was demanded to be yielded by our enemy, for which the war was declared, even as a preliminary in the first instance to an armistice, and in the second instance as preliminary to a negotiation. The equivalent offered on our part, was of a nature which it was not within the province of the Executive to confirm, and, of course, depended on what Congress might or might not do on the subject. In addition to this, our agent in London, through whom those propositions were made, did not possess regular and competent powers, and was considered by the British Government as incompetent to act with them on such a subject on equal terms of obligation and responsibility. Whatever, therefore, may be my opinion in relation to those late propositions, and however illy calculated they may have been to produce any desirable result, I am far from considering them unworthy the particular attention of this House. I allude particularly to the equivalent proposed as an inducement for the discontinuance of the practice of impressment. Here, for the first time in the whole history of the long protracted discussion on this subject, it is intimated that something effectual will be done on our part to prevent the cause of the abuse of which we complain—a promise is given, in the event of obtaining the concessions demanded, that a law would be passed by Congress to prohibit the employment of British seamen in the public or commercial service of the United States. This, then, is what I ask you now to do—pass a law effectually to exclude all British subjects from the public and private maritime service of the United States; let the law be well guarded against the possibility of violation or evasion; and let us be determined rigidly to enforce it; place this law in the hands of your Executive; let him immediately appoint one or more honest, able, independent commissioners; men who neither have nor expect an office; men in whom the nation without regard to party, would be willing to confide; give them ample powers to form a treaty or arrange the sole question which is now the pivot on which this war depends. Do all this; do it faithfully, and I venture to predict you will obtain a peace, and secure your just rights more speedily, more effectually, and more satisfactorily to the people of this country, than by all the military operations in the compass of your power. If then, after doing everything which, as a just and honorable people we ought to do, not only to secure our own rights, but to guard against doing injury to the rights of others, we should unfortunately fail in obtaining peace and justice, we should then be united in any war for essential rights. Sir, in politics, as well as in morality, the sin of omission is equal to the sin of commission; if others are injured by our neglect, with what propriety can we complain if that injury should happen to be made to recoil upon ourselves—unless, indeed, effectual means are taken to prevent its recurrence? If this position is true, let it be applied to the question now in dispute, and I conceive it must irresistibly follow, that our own hands are not entirely clean, and that it is our duty to make them so, before they are further steeped in blood. Before I enter into the examination of the question of impressment—the only avowed existing object of the war—permit me to declare, as the firm conviction of my understanding, that if this question, as it at present stands, under the peculiar circumstances of the two nations, could be fully and fairly understood by the people of this country, they would not sustain the war in which we are involved for one single hour. No, sir, a war never can, it never ought to be sustained, for the protection of British subjects or foreigners of any description, who may come among us, unless they remain within the territorial jurisdiction of the United States; on the contrary, if Great Britain will not be satisfied to arrange this subject fairly—so as to exempt us from the abuse of the practice of impressing from our vessels, when such security as is in our power to give, and such as she ought to ask, is given her, that none of her seafaring subjects shall be employed in our public or merchant vessels—then we shall have a cause for war (and be united in it) more worthy of the energies of this nation. How far we have the right, or how expedient it may be for the Legislature, to restrict the claims of one, though very inconsiderable, class of seamen, viz: those British seamen who have, previously to the existing war, been regularly naturalized agreeably to the laws of the United States—how far, I say, it would be Constitutional and just to interfere with the claims and privileges now enjoyed by this particular description of persons, I am not at this moment prepared to say. I believe, however, the number is so inconsiderable, that it would not produce any serious obstacle to an arrangement, which would be otherwise desir-

ble to the two nations. The whole number of eamen of this description, during the whole pe- iod from 1796 to 1811 (agreeably to a report of he Secretary of State,) amounts only to 1,332; nd from the opinion of gentlemen, well informed n this subject, it is highly probable, at the period f the declaration of war, and perhaps at this mo- nent, there are not one hundred regularly natu- alized British seamen in our service. It is pro- able, therefore, that in a negotiation commenced nd prosecuted with friendly dispositions, the bstract question of right might not arise; and if t did, both parties regarding and looking to the uture more than the past, would not permit so nconsiderable a practical and past evil to become serious object of contestation. As to those for- igners who may be hereafter naturalized, we ave complete control over the subject; they ught not to have a claim on protection, if they re not content with the blessings of our laws nd our land, without placing themselves in the ower of their native sovereign. Sir, it would eem, if, indeed, any reliance is to be had on a ery extraordinary document, furnished by the Executive during the present session of Congress, urporting to be the detail of an interesting con- ersation between Mr. Russell and Lord Castle- eagh, on the 18th of September last, that Mr. Russell, though not authorized by his Government o to do, did propose that the law to be passed by is and to take effect on the discontinuance of the ractice of impressment, should prohibit the em- loyment of the native subjects or citizens of the ne State, excepting such only as had already een naturalized, on board the private or public hips of the other. This proposition, although ot authorized and not considered as binding on he Executive, is certainly entitled to due con- ideration by us, from the time and manner of ts being made, and the sanction most unques- ionably implied from the silence of the Execu- ive in relation to this proposition. Thus, the ubject is reduced by the showing of our own Cabinet not so much to the violation of a right, s to the occasional abuse of the exercise of a ight.

How, then, does the question really and fairly tand, for which it is alleged this war is and ought o be prosecuted at the hazard of everything dear o a prosperous and happy people? The claim of the British Government is to take from the nerchant vessels of other countries British sub- ects. We complain that, in the *practice*, com- manders of British ships of war often take from nerchant vessels of the United States American citizens. If, then, the *right* of search is not de- nied—if the invariable principle of national allegi- ance and protection is admitted, so far as gives to he Sovereign a right to the services of their na- ive citizens or subjects, in time of war, or when he exigencies of the State may require them— it follows that this practice of impressment from our vessels springs from our employment of her seamen in our merchant service, regardless of the injury inflicted by depriving her of the services of that class of her subjects, more than all others essential to her safety in time of war, and, at all times, to the general prosperity of the nation. This *practice* being induced and defended for the reasons above stated, will not be relinquished until something is done—some plan adopted—which will remedy the evil complained of, for which impressment is now resorted to. We will have to give something in exchange as the price of such a relinquishment, and nothing can be cheaper than the plan I have proposed.

Will it be contended that this is granting too much? Will it be contended that a neutral flag shall protect everything that sails under it? Surely gentlemen will except articles deemed contraband of war, and armed enemies of a belligerent. They must go further: they must abandon the protection of native subjects of a foreign Power, when they trust themselves beyond our territorial jurisdiction, and thus fall into the hands of their original sovereign. If this is not done, this war must be interminable, at least, while Great Britain has a flag on the ocean. Should we be successful in the contest, the principle will not be sanctioned by any nation regardful of its maritime power, and probably be a curse to ourselves, should we ever possess superior naval prowess. Moreover, in the assertion of such a right, we are entering the lists against the law and practice of perhaps every nation in the world which pretends to regard civilization or law. For, although I admit that all civilized nations recognise, in some form or other, the rights and privileges of naturalization, yet they equally agree in the doctrine of perpetual allegiance, and deny that *naturalization*, by a foreign Power, gives to the person naturalized any new claims to protection against his own Sovereign. Much less, therefore, are persons to be protected who are bound by no tie to any country, except the tie resulting from allegiance and protection, which is only due to and from the native State.

This, sir, is the doctrine of approved writers on national law; it is the uniform doctrine of Great Britain, and is recognised, not only by the practice of France, but by a variety of statutes and edicts of that country, both before and since the Revolution. She not only denies the right of protection to the naturalized person against his own Sovereign, but denies to neutrals the right to naturalize her *enemies*, so as to protect them against her arms, and authorizes the seizure of her *own seamen* on board neutral vessels at sea. Yes, sir, these practices and these pretensions have been enforced upon us by the officers of the French Government in a variety of instances; and, so far from those officers considering it an offence, they have reproached our Government for *seducing* their seamen into our service; nor have I heard a whisper of complaint on this subject against the French Government. Who is there, that has paid any attention to the proceedings of France on this subject, that is ignorant of the rigid vigilance with which she has endeavored to secure to herself the services of her own seamen, both in peace and war, and the little ceremony with which neutral or naturalized seamen

have been treated by her. She makes it a crime in her seamen to serve on board vessels of other nations, whether enemies or friends. She punishes as *pirates* all masters of vessels, whether naturalized or settled in other countries, who take commissions or use any other flag than that of France. If her seamen are found in foreign ships, in time of peace, they are doomed to confinement and service; if in time of war, they are sentenced to three years in the galleys. These are some of the regulations which exist, and had their origin previous to the Revolution. Since that period, and in the tide of French principles, (for I will not prostitute the term *liberty*,) other regulations have taken place, which clearly show of what avail our certificates of naturalization or our protection to foreigners would have been, had that nation been able to keep anything like a fleet at sea. By this modern champion of maritime rights, all captains of neutral vessels were punished as *spies*, unless they could prove by our Minister near the French Court that they were born in an allied or neutral country. All English sailors on board neutral flags in the ports of France were ordered to be arrested, and every man who spoke the English language was to be considered English, unless he could prove by authentic documents that he was an American.

These, sir, are some of the doctrines and practices of France; their cruelty and injustice in many respects must be admitted by all; they transcend any British pretensions which have ever come to my knowledge; they are adduced not to palliate the conduct of the British Government, but to show the conduct of different nations on the subject for which the war is now continued, and principally to show, that whilst we assert the principle that our flag shall be the shield of protection to every foreigner who may take refuge under it, this war will be eternal, if not universal.

One word more, sir, on this part of the subject—it is this: independent of the existence of the war, and the intrinsic delicacy and perplexity of the question of which I have been treating, and setting aside all considerations of injury and abstract right both in relation to ourselves and others, there is something of superior encouragement and patronage due from us to our native tars. National honor and national safety require that your navies and your armies too should be composed of the natives of our soil. It ill befits us to share the toils and honors of defending our country with those who have no interest in it—already has the glory of the late brilliant naval achievement, the capture of the Guerriere by the Constitution, under command of Captain Hull, been somewhat tarnished by the fact, or at least the belief, that a great part of our crew were Britons. Call not foreigners to your aid, let American battles be fought by America's sons; to them impart the honor or the shame.

As to the bill under consideration, I consider it a perfect nullity in point of practical efficiency. It will add to expenses already too great for the people to bear, or this Legislature fairly to provide. For, sir, so tottering are the props of this war, they will fall the instant you touch the poc ets of the people in a way which they will s feel, and understand. I know your reliance is loans, to aid in providing for the expenditures the present year, which, if this bill passes, w exceed thirty-five millions of dollars. This mo of getting money may fail, and, if it does not, li tle comfort is afforded by it to those who lo forward to the day of payment. No honest m derives much consolation from being relieve from prompt payment, if a mortgage is rivetted himself and his posterity. Already you ha officers in number sufficient to command thirt five thousand men, independent of the six hu dred which have just sprung up by the bill th was passed yesterday. Suppose (for the sake argument) that there are at this moment n more than fifteen thousand men enlisted in th present establishment; it follows of course th there are already supernumerary officers sufficie for the command of twenty thousand men, besid the additional six hundred exclusively intende for the recruiting service.

Why then, with so many unemployed office in commission and pay, (a number almost suf cient to admit of a recruiting officer opening rendezvous in every county, town, or village the United States,) shall we have entailed upo us the curse of this additional mass of useless e pense? If there is any peculiar charm in th period of twelve months to induce rapid enlis ments, after the law which at present exists a thorizing the enlistment of fifteen thousand me for eighteen months, let these fifteen thousand a five thousand more if you please be enlisted f twelve instead of eighteen months, and you wi have all the men contemplated by this bill with out the unnecessary multiplication of officers.

I understand, sir, the present campaign is broke up; no more fighting or attempts on Canada a intended during the Winter. Let your officer instead of lolling in the tents, or spending the time in amusement, exert themselves in provi ing a force for the Spring, and if men are dispose to enlist at all, as many can and will be had, in th manner I have mentioned, as there would be you had a recruiting officer at every man's doo in the country.

But, sir, when I consider the intrinsic objec tions to short enlistments for distant offensiv operations; when I reflect on the theatre whe this war is to be prosecuted, and the consequenc of opposing raw undisciplined troops in conte with veteran soldiers, I cannot avoid expressin my astonishment at the imbecility and wildnes of the project contemplated by this bill, and a monish gentlemen of its total inefficacy in bring ing nearer to them the object of their wishes.

Mr. CALHOUN observed, in reply to Mr. PEAR SON, that he was very happy to find, that th gentleman from North Carolina, while he wa unwilling to defend the Irish and Englishme yet was willing to promote the war for the Amer ican seamen—that the cause was a good on and he hoped that the other gentlemen wh usually acted with him, would unite to defend s

brave and meritorious a class of citizens. That as to acting on the subject, he, as a member of the Committee of Foreign Relations, together with some others of that committee, had it under consideration. That his views did not extend farther than the proposition made by our Executive to the British Government. If England would agree to reciprocal exclusion, he would agree for one to limit our protection to native-born seamen and those who are now naturaliezd. The subject was, however, one of very great delicacy, better fitted for negotiation than legislation, and he had not fully reflected on it—but if, after due deliberation, he found it could be done with propriety, it should be laid before Congress before the end of the session. That he could not agree with the gentleman from North Carolina, that we ought to rely on such provisions, and suspend in the meantime our preparations; that such conduct would be fatal, as England was a proud and high-minded nation, and that nothing could bring her to terms but a vigorous and successful prosecution of the war.

Mr. RHEA made some remarks on the same head; and the House adjourned.

MONDAY, January 4.

EDWARD HEMPSTEAD, returned to serve as the Delegate in this House from the Territory of Missouri, appeared, produced his credentials, was qualified, and took his seat.

On motion of Mr. FINDLEY,

Resolved, That the Speaker address a letter to the Executive of the State of Pennsylvania, communicating information of the death of JOHN SMILIE, late a member of this House, in order that measures may be taken to supply the vacancy occasioned thereby, in the representation from that State.

The bill to confirm the decision of the Commissioners appointed to settle the boundaries of the public lands at West Point, was read a third time, and passed.

Mr. BURWELL offered the following resolution for consideration:

"*Resolved*, That the Committee of Ways and Means be instructed to inquire into the expediency of fixing by law the value of foreign gold coins within the United States."

Mr. B. observed, that the law which had formerly made those coins a tender in the payment of duties, had been suffered to expire two years since; not having been renewed, under an apprehension that those coins were so far reduced in value as not to be fit for circulation. By the report of the Assayer of the Mint, for the year 1812, laid on the table a few days ago, it appeared that there was no difference in the value of these coins between the present day and the time when the law of 1806 expired, except in those of Spain. There was circulating a quantity of gold coin in the country, which frequently fell into the hands of those unacquainted with the expiration of the law, who took it at its full value, and thereby incurred loss, &c.

The resolution was then adopted.

ROLL OF UNITED STATES' OFFICERS.

Mr. RANDOLPH rose to make a motion. He remarked, that at the first session of the seventh Congress, the President of the United States, for reasons by him set forth, transmitted to Congress a roll of the persons having office or employment under the United States. At that day, reform, economy, retrenchment, husbanding the public resources, jealousy of great military and naval establishments, jealousy of Executive patronage, jealousy of the power of the General Government, when in collision with that of the States—these were then the leading and prominent features of Republican faith. We find the President of the United States of that day himself pointing to the patronage with which he is clothed, to its enormous amount, and soliciting its retrenchment. But, setting aside any motive the President of the United States might have had in making the communication, it may be admitted on all hands that it cannot be improper for this House to possess such information. Mr. R. therefore moved—

"That the President be requested to lay before the House a roll of persons having office or emoluments under the Government of the United States."

Mr. RHEA moved that the resolution lie on the table. Negatived, 49 to 44.

Mr. LITTLE could not conceive any object in view in requiring the names of military as well as civil officers, and thought a distinction should be made between them in the resolution, as indeed he apprehended the gentleman who moved it intended.

Mr. RHEA moved to amend the resolution by adding thereto the words "so far as he believes consistent with the public good."

Mr. BLACKLEDGE made a motion going to supersede that of Mr. RHEA, that the further consideration of the motion be postponed to Wednesday next. He wished time to prepare an amendment, which should except from the general requisition the names of those persons in the employment of the United States, the disclosure of whose names, and perhaps employments, the existing state of war might render improper.

Mr. RANDOLPH said, he had no objection to the resolution being postponed or laid on the table, but for the difficulty which was interposed to doing any business in this House, but such as the majority of the House should previously, directly or tacitly, have arranged to be done. Mr. R. said, he had himself attended in his place with a wish to make this motion at least twenty times. According to the present manner of transacting business, Mr. R. said, a difficulty was interposed, not only to making a motion, but to calling up business on the table—it was a mode of doing business before unprecedented and unheard of, in this House, or in any Parliamentary body on the face of the earth. This circumstance alone inducing Mr. R. to feel any reluctance to accede to the proposition for postponement. But while up, said Mr. R., permit me to notice a change, which would be amusing if it were

not melancholy—a change by time and chance, which happen unto all things; a change in those who call themselves the legitimate successors of the seventh Congress; a difference between the feelings of this House now and then. This House now feels a fastidious delicacy, a sort of instinctive terror, an inward shrinking and fainting in calling on the Executive for that information which the Executive at that time voluntarily tendered to us. As to the nature of the information requested, Mr. R. said, he had copied the words from the Message of the President to the seventh Congress, transmitting what he was pleased to call "a roll of persons having office and emolument under the United States." Mr. R. here read the Message alluded to. He stated his apprehension that an agreement to the motion to postpone to Wednesday next would be equivalent to rejection. The mode of doing business, he repeated, was almost such as to seal the lips of every man who has not the honor to hold some prominent station in the standing or select committees of the House. In his apprehension this abuse ought to be remedied. The evil had increased, and was increasing. The floor of the House should be open as well to one side as the other of the House—

Mr. R. had proceeded thus far; when

Mr. SPEAKER said, he did not think the remarks of the gentleman, reflecting upon the House for the mode of transacting business, proper in themselves or relevant to the proposition to postpone the resolution until Wednesday. In point of fact, he would observe that there was no difference in the opportunity enjoyed by gentlemen on all sides of the House, of submitting their motions. If there were not greater extension of the time for receiving motions, it proceeded from the inability to make a House, in consequence of the non-attendance of some members, at the hour to which the House is adjourned.

Mr. RANDOLPH having resumed his seat,

Mr. RHEA said, he should vote for postponement, because there could be no ground for the call. If the gentleman had any object in view, and would call for information relative to it, he had no objection to affording it. But this resolution was too comprehensive, it had a beginning, but no end or object that he could discover.

Mr. LACOCK said, he had no objection to the resolution, but that it was too broad for the present circumstances of Government. The name was required of every person employed by it, no matter how necessary that their employments should be confidential. It left no discretion to withhold the name of any person, although engaged in military or other concerns requiring secrecy.

Mr. BLACKLEDGE rose to say, that he was by no means hostile to the object of the motion, further than it might be detrimental to the public service. He wished to postpone it to prepare an amendment. If he could not amend it satisfactorily, he would then vote for it as it stood.

The question on postponement was agreed to, 58 to 49.

ADDITIONAL MILITARY FORCE.

The House resumed the consideration of the bill for raising for one year an additional military force of twenty thousand men.

The question was stated on the engrossment of the bill for a third reading.

Mr. BRIGHAM.—Mr. Speaker, the bill under consideration if passed into a law, will deeply affect my constituents and the public in general. It provides for prosecuting this war on a more extensive scale—it is a kind of second declaration of war. The objects of conquest are multiplied; the field of operation is enlarged; the Army must be increased with the addition of 20,000 regular troops; and enlistments encouraged by additional bounty and wages. Sir, this is the system of arrangement to prosecute the scheme of foreign invasion. One error frequently prepares the way for another; we are now unhappily involved in the calamities of war, and the question is, how we shall prosecute and support it.

Mr. B. said he had been uniformly, and in principle, opposed to this war, and of course, opposed to all the measures connected with it; that in his opinion, this war was both politically and morally wrong; that it was declared without suitable preparation, without necessity, without an army, without adequate resources, and without unanimity; it has been prosecuted without success; we have also gained nothing but loss, defeat, and disgrace; the people are alarmed at the loss of their peace, distressed with the fruits of the war, and have serious apprehensions of what may be the future measures of Congress on this subject.

Sir, continued Mr. B., this war is of an offensive character; it is a war of conquest, totally inconsistent with the spirit and genius of our Constitution, and, if prosecuted in the present divided state of the country, I fear it may be fatal to our most valuable institutions. Republics, sir, ought never to be engaged in a foreign, offensive war; they are calculated only for defensive war.

Sir, there is something unaccountable, that the disposition to prosecute this war should increase, as the causes of the war decrease, and the means and ability to carry it on lessen. The war which we now have on hand is predicated principally on the Orders in Council. The impressment of seamen, during the last session of Congress, was considered of minor importance and as a proper subject of negotiation between the two nations, and was so considered in the days of General Washington, in those of Mr. Jefferson, and why not now by Mr. Madison?

Sir, the Orders in Council which interfered with our neutral rights are revoked. The President, in his Message at the commencement of this session, declared the fact, and the war now rests solely on the subject of impressment. I do not believe that the prosecuting of this war will have a tendency to bring about an amicable and satisfactory adjustment on this subject, and at the end of the war, if it ever ceases, this question of impressment must be settled by treaty.

Sir, at this time, and under these circumstances, we are called on to augment our standing

army to the number of 55,000 regular troops, to prosecute the war with vigor, and, as some say, for glory.

Sir, if this system of warfare is carried into effect, we shall unavoidably create an annual expense of forty millions of dollars; and where is your money to defray this expense? Why, you must take it from the pockets of our constituents, and from those who are opposed to this war; and if you fail of obtaining the necessary loans, you must stop payment; the nation will become bankrupt, and future generations will be loaded with an enormous debt.

Sir, can this be for the honor and interest of the American people; can it be for the satisfaction of our constituents; are they in love with this war? Are they prepared to barter away their property and their peace for the hazards and fatigue of a foreign war, which promises nothing but poverty and distress? It is impossible. Sir, it is said that we are now about to make one sublime military effort, which shall do honor to this nation; that with these troops we are to take, not only the Canadas, but Halifax and Nova Scotia, and for aught I know, East Florida, follow up the Tippecanoe expedition, and exterminate the Indians. Mr. B. said that he never had known the incipient cause nor by what authority General Harrison made his incursion into the wilderness, beyond where the United States had extinguished the Indian titles, and destroyed the Prophet's town, but said that he hoped the time would come when he should know the merits of that enterprise.

Mr. B. said, if the friends of this bill and of the war could accomplish their darling object, subdue and take possession of the Canadas, and all the other British provinces in North America, in his opinion it would be a great public misfortune—fatal to the civil liberties of the country, and change the character of our Government.

Sir, said Mr. B., with these impressions, I deprecate the taking of the Canadas, or the other British provinces, as I do the loss of liberty and the ruin of this country. This war cannot be perpetuated and prosecuted without violating the laws of humanity and justice, the laws of religion and morality—and these laws are to be respected as well by nations as by individuals; and we have not only reason to believe, but do believe, that the God of Armies, who superintends the concerns of men, will give success to our arms, or blast our enterprise, according to its moral character. If the Canadas are subdued and conquered, it must be done by force of arms; and what have the inhabitants of those provinces been guilty of, which warrant this Government in putting them to the sword?

Sir, they are now inoffensive, and quietly pursuing their own business; they are content under their own Administration; they are protected by their own Government, and are not panting for the liberties of this country, as was vainly supposed the last season, nor do they ask us to relieve them from the oppression of their own Government, which General Hull, in his tender mercy promised them, in his pompous proclamation, on the condition that they would revolt from their rightful Sovereign, and put themselves under *his* gracious protection; nor were they terrified by the threat of extermination, if found fighting in their own defence by the side of an Indian; nor were they to be seduced from their allegiance by promises which could not be performed. No, sir, nor do they ask any favor but that you cease from troubling. Sir, they will not submit, and they have told you, by their actual resistance, that they will defend themselves, their councils, their firesides, their wives, and their children, their rights and their property; and they are not to be subdued but at the price of blood. And where is your authority, where is your right to go home, invade, and break into a foreign territory, and there establish a slaughter-house for the brave sons of America; there spill your blood, and expend your treasure, destroy cities, and demolish houses, plunder the inhabitants, and waste the substance of the industrious and the innocent? Sir, there is no right but a Napoleon right, and that right is power, and not that which reason approves.

Sir, there is no man in Christendom who is so abandoned to moral sentiment, or to the feelings of humanity, as dare say that he delights in the sight of the agonies of death; why then will you fall on the unoffending, and put them to the sword, and what are we to gain by it? He said that he saw nothing to be obtained, but a negotiation with the British Government, on the subject of impressment. Sir, no man will say that this war is a vindicative war, or that we can subdue the Government of Great Britain; why then pursue it? The advocates of this bill say in reply, that the war is commenced, and we must prosecute it, or submit:—Submit to what? Sir, to my mind we shall submit to nothing by abandoning this war, and making open and direct overtures for an honorable peace, but to the dictates of sound policy, and the wish of our constituents. It has been observed, that we cannot give up this war consistently with the honor of the nation. Why, sir, the honor which we may acquire in future, by prosecuting this war, is uncertain, if we reason from analogy, and from the facts before us, that have grown out of the last six months war; we have nothing to hope for on the score of honor. And if we continue the war for the four years to come, in my opinion the nation will be as destitute of honor as of money. Sir, the honor of Administration consists in promoting the peace, the prosperity, and happiness of the people. We cannot progress in this war against the public sentiment; we must have the people with us; if they want war they will have it, and they must put their hands in their pockets and pay for it; and it is equally true, that if they are opposed to this war they will put it down.

Mr. B. said, that the war was becoming more and more unpopular in the Eastern States, especially in the State which he had the honor to represent; and they had, in their late elections come forth and declared it in a voice and lan-

guage which cannot be misunderstood. And whether there will be a majority in the next Congress in favor of this war was uncertain—he hoped not.

Mr. B. said, he had heard gentlemen say, that if we were united, we could prosecute this war with effect, and take the Canadas; so he could say, that were we united, we should negotiate an honorable peace, and put an end to the horrors and perplexities of war;—but this was not the fact, we were not united; we were a divided people. Sir, said Mr. B. we differ in sentiment on the bill under consideration, and who is in fault? If I differ from you, it is because you differ from me, and if we are equally honest, I shall consider it your misfortune, and not your fault.

Mr. B. said, he could not unite with the friends of this bill in prosecuting the war, without violating his own understanding and sense of duty. The Government had already suffered greatly from discord and difference of opinion; the body politic had been groaning under the weight of disease, and for several years past had been in a high state of fermentation, and for the last twelve months had a nausea; but he said, if the dose of taxes which were prepared last session, had been promptly administered, in his opinion, the nation would have disgorged the morbid matter, and by this time have been restored to a confirmed state of political health.

Mr. B. closed by saying, that the hoped the people of the United States would learn wisdom by the evils which they had been made to suffer; and that this House would not aggravate their distress, nor increase their alarm, by the passing of this bill.

Mr. RIDGELY said, he claimed the patience of the House while he assigned the reasons that would influence him to vote against the bill now under consideration. He considered the force contemplated to be raised by the bill as unnecessary. The present Military Establishment of the United States consisted of various descriptions of troops; they were the regular army, the rangers, the volunteers, and the militia. The regular army was made up of the Peace Establishment, authorized by the acts of the 16th of March, 1802, and the 12th of April, 1808, containing about 10,000 men, including officers, and of the "additional military force," which was directed to be raised by the act of the 11th January, 1812; these different establishments were incorporated by an act passed on the 26th of June last; and the present regular army of the United States, as authorized by law, consisted of twenty-five regiments of infantry, three regiments of artillery, two of light dragoons, one of riflemen, and one of light artillery, containing in all about thirty-six thousand men, including company officers and privates; of these the President might have not exceeding fifteen thousand enlisted for eighteen months, and the residue enlisted for five years, unless sooner discharged. Of the rangers, there were seven companies by the acts of 27th January, and 1st July, 1812, and about four or five hundred men. By the act of the 6th February last, the President was authorized to accept of any company or companies of volunteers, either of artillery, cavalry, or infantry, who might offer their services to the number of fifty thousand men; their commissioned officers were to be appointed in the manner prescribed by law in the several States and Territories, to which they might respectively belong, and they could only, according to the fair construction of this act, be considered as militia, liable to be called on to do military duty at any time within two years after they were accepted by the President, and bound to continue in service one year after arriving at the place of rendezvous. By the law of the sixth of July last, the President was empowered to appoint and commission the officers of the volunteers who had or should offer their services, and to form them into battalions, squadrons, &c., and they were thus converted from militia into a species of regular force. By the act of the 10th of April last, the President was authorized to call on the several States and Territories for their respective proportions of a detachment of one hundred thousand militia; and the call has been made, I believe, on every State and Territory. The present military force, then, of the United States, as authorized by existing laws, consists of upward of one hundred and eighty-six thousand men, all of whom, when in service, are subject to the rules and articles of war. Of these, the militia can only be used in the prosecution of this war for defensive purposes; the regulars and the volunteers may be ordered to act offensively against the enemy. They may amount, as we have seen, to eighty six thousand men; and if Canada be as weak and badly defended as gentlemen seem to suppose, and the Administration should persist in their determination to conquer it, they should, I think, be satisfied with such a force to obtain an object so easily attainable. But, sir, said Mr. R., our present Military Establishment is certainly sufficient for all purposes of defence; and I wish to see no land forces raised for any other purpose. I have no hesitation in declaring that I should lament to see Canada or any of the British provinces on this Continent in our possession, or forming a part of the American Republic. They will never be worth, to this nation, in any point of view, the blood and treasure that their acquisition will cost us. It has been said by the honorable chairman of the Committee on Military Affairs, that there are now in Canada twelve thousand regular troops, and that the militia amount to six thousand. To anything that gentleman should say, as matter of fact within his own knowledge, I should give the most implicit credit. But his estimate of the militia of Canada must be too low. His sources of information on this point must have been incorrect. The population of Canada (and when I speak of Canada, I mean both Upper and Lower Canada) has been variously stated, from three to five hundred thousand souls; according to no account, I believe, can it be less than three hundred thousand; and, I presume, no gentleman on this floor will say that es-

timate is too high. Take, then, the population of Canada to be 300,000 souls; what number of militia should this population furnish? We will take the State of New Jersey as a guide for our calculation; according to the census of 1810, the population of that State is 245,255, and its militia, by the return for the same year, 43 740, and the militia bears about the same proportion to the population in the States, generally, as it does in this State. If, then, the militia of Jersey, with its population, amounts to near thirty-four thousand, we may, I think, without danger of contradiction, estimate the militia of Canada (with a larger population) at between thirty and forty thousand; to these add the twelve thousand regular troops, and, in all probability, before we can act offensively against them in the Spring, the number of these troops will be greatly increased, and they may have an efficient force of about fifty thousand men to oppose an invading army. It ought to be recollected also, that a generous people, contending in their own defence, are actuated by far different and more worthy motives than an army of soldiers can be who attempt their subjugation. The Canadians will contend for their homes, their wives, their children; for everything that can or that ought to be dear to the human heart. They will be excited in such a cause to the boldest deeds. Instead of traitors, we shall find them true to their country and themselves, and able and ready to exert all their energies in their own defence. If we conqer them, it must be by great exertions, and with immense loss. To subdue a people acting under the impulse of such considerations as will operate on them, will require a force at least double to that which they can oppose to us. But can any man imagine that, if we invade the British colonies, the war will be there? Will the pride of Britain, powerful as she is at sea, and ready at any moment to meet every emergency, permit her tamely to look on and see her provinces wrested from her, without exerting herself with all her energies for their security? Will she make no diversions in their favor? Will she suffer us to carry the war into her territories, and not retort upon us? Does an unprotected seacoast of two thousand miles afford her no opportunities of attacking us? Do our rich and flourishing cities, exposed without defence on the seaboard, to the cannon of her ships of war, furnish her with no objects worthy her attention? Will the city of New York, laid in ashes, atone for the invasion of Canada; or, will the acquisition of Canada compensate to us for the loss of New York? Sir, said Mr. R., ten Canadas, ten times told, would not be worth to this nation that single city.

But of what value would these provinces be to us, if they could be easily acquired? Shall we, by their conquest, obtain the objects for which this war is waged? Shall we thereby secure our commercial rights? Not at all, sir. On the other hand, if the British Government would offer them to us, it would be our true policy to refuse to accept them. It is known to everybody that the population of several of the Eastern States is now full, and that great numbers of their citizens are constantly emigrating. The direction this emigration takes, it is also well known, is South and West. This surplus of population of the Eastern States settles on the banks of the Ohio and Mississippi, and carries with it its Eastern habits, and, if you please, its Eastern prejudices. They become connected and united with the people of the South and West. This union and intercourse will tend to render as the brothers of one family the citizens of this extended Empire. The prejudices of the South against the North, and the North against the South, are weakened daily and will be destroyed. The course this emigration takes is just as it should be. The currents flow from the extremities into the centre of the country. The operation is most beneficial to the nation, and tends constantly to strengthen and cement the union of the States. But if the British provinces should be conquered and become incorporated into the Republic, the direction of the emigration from the Northern and Eastern States will be at once changed. It will take a North instead of a South course. It will go just where it ought not to go. The strength of the nation, already too much scattered, will be still more weakened by a further expansion of its territory and population. The Northern and Eastern States, at present possessing more than their proper proportion of wealth, population, and strength, and having different habits, pursuits, and interests, from the Middle and Southern States, will, by the addition of these provinces, and the settlement of their surplus of population in them, acquire a weight and influence that this Union cannot control. It will exist only at their pleasure, and, in a few years, the destruction of this Government and a separation of the States will be the inevitable consequence.

But it has been said that we must make Great Britain, or rather her Ministry, feel through her people; and it is supposed we shall obtain the objects for which the war was declared by conquering her colonies. It is true that Government may be made to feel through her people, but it is her people at home, and not those of her distant provinces, that can influence the measures of her Ministry. If we could carry the war into the island of Great Britain itself, we might, perhaps, in that way, operate on her councils. It is her merchants, and the people of the mother country, who form the strength of the nation, that have weight in the decisions of her Cabinet. But of what value to her are the provinces on this Continent? They add not to her strength or her resources. If she did not possess them, would she be less rich, less great, less powerful? Would she have fewer means of annoying our rights? I have heard it said they furnish harbors for her fleets; but, can it be supposed that the mistress of the ocean cannot find harbors for her fleets? Will she not be able to find, among all the American islands, shelter and protection for such ships as she may choose to send into the American seas, although she possessed not one harbor on this Continent? In fact, the loss of the British prov-

inces to our enemy, will not lessen her resources, weaken her power, or diminish her greatness. Their conquest, besides the blood and treasure it will cost, will, to us, be worse than useless. Under these circumstances, I do not think it right or expedient that a force sufficient for the conquest of these colonies should be raised and kept up until that object is accomplished; nor do I think the people of the country would be willing to bear the burden of the expense of such an establishment, in addition to the expenses we must be at in defensive measures.

While Great Britain owns these provinces, although they are not worth much to her, her pride will not permit her easily to surrender them; it will make her anxious to preserve them; and knowing, as she must, that the United States have the physical power to take them, their contiguity to us will operate in our favor, and be a means of checking, in a degree, the outrages of the mother country toward this nation.

If, however, Canada and the British provinces must be conquered, and more men be necessary, the Army contemplated by this bill will be of little or no service in accomplishing that object. It proposes to raise twenty thousand men, to be enlisted for one year. The term is too short. If the whole number could be obtained, it would take some time to get them. The term of enlistment of one-half will, in all probability, expire before the other can be recruited. To make a soldier, too, requires time. He is not formed in a day. To render the raw recruit of service, will cost much of discipline and of training. By the time the soldier who is enlisted under this bill, if it should pass into a law, begins to know something of his duty, his term of enlistment will have expired, and, if he should re-enlist, he must be paid an additional bounty. The force contemplated can never be an efficient one for the purposes of war. It will only be a source of useless expenditure of the public money. This reason alone, if there were no others, would be sufficient to induce me to vote against the bill.

It will, perhaps, be said that the force to be raised by this bill is intended to take the place of the volunteers in the present Military Establishment; and that as the last section of this bill repeals the laws authorizing the acceptance of the volunteers these regiments should be furnished in their stead. But, it will be recollected that the volunteer acts have been in operation for some time. They have, as far as ever will be the case, effected the object for which they were enacted. All have volunteered that mean to do so, and all the force that ever can be raised under them, has, perhaps, been raised. This bill, it is true, repeals the volunteer act; but, although this be the case, it still contemplates retaining in service all those who have volunteered. What the number of these may be, I do not know. We have been told by a gentleman on this floor, (Mr. Fisk,) that, in the District of Maine alone, there is a corps of ten thousand men now organized. This, and all other corps who have volunteered, will be retained in the service of the United States, if this bill should pass, under the proviso in the last section, which is in these words:

"*Provided*, That nothing herein contained shall be so construed as to deprive the officers and men who may have entered the service as volunteers, under the said acts, of any rights, immunities, or privileges therein secured, or the United States of the service of such volunteers, agreeably to the provisions of the said acts."

In discussing the propriety of passing this bill, it may not be amiss to take into consideration the subject of the ways and means. By looking over the estimates of appropriations necessary for the year 1813, lately transmitted by the Secretary of the Treasury to this House, it will be seen that, for the present Military Establishment of the United States, not including the militia or the volunteers, there will be required the sum of upward of fourteen millions of dollars for the present year. This calculation is made in the closet, and upon the supposition that things will happen according to the estimate. But, when it is recollected that the expenses of military establishments and military movements are almost always far greater than the best calculator had foreseen, and that there are daily objects of expenditure arising that have not been contemplated, we may fairly add a third, at any rate a fourth, to this estimate. This will make the expenditure for the year 1813 about eighteen millions of dollars for the present military land force of the United States alone, not including the expenses of the militia or the volunteers. The pay, subsistence, and forage of the twenty regiments, contemplated by this bill, will be, in proportion to the estimates of the Secretary of the Treasury, for one year, $2,596,000. If we add the bounty, which will be $320,000, the expense of the twenty regiments may be $2,916,000, allowing nothing for waste and losses; and the expenses for the year 1812, on account of the land forces alone, not including militia or volunteers, upwards of twenty millions of dollars. It may therefore certainly not be improper, before we vote in favor of raising more troops, to ask that some plan for getting money to maintain and pay them, should be laid before us; that we should see the ways and means provided to meet our expenses; for I do not consider that the Republic is yet in such danger as that the whole energies of the nation must be called into action, at all hazards, to save the country. At present, no money is provided; no proposition is laid before us for providing it. It is not known to any man, so far as my knowledge extends, how the expenses of the present year are to be provided for and met. If taxes should be laid, they cannot be collected in time to meet the demands that will be made upon the public Treasury, and if we should resort to loans, it is not certain that by them the necessary supplies can be obtained.

But, as we are unfortunately in this war, it is not my wish that we should get out of it by making a dishonorable peace. A dishonorable peace would disgrace the nation as well as the Administration. If an honorable peace cannot be ob-

tained, and we must prosecute the war, I for one have no hesitation in saying that it should be prosecuted on the ocean; I would abandon all ideas of conquest, or taking the provinces of the enemy. Let the United States be put in a complete state of defence; let them be protected at every point; let them be prepared te crush at once any invasion that may be made of their territory. Our attention should then be turned to creating a naval power that should be able to command the American seas; a force of this magnitude, it is perfectly in the power of this country to raise. An honorable gentleman from South Carolina, (Mr. CHEVES,) who, during the last session of Congress, was chairman of the Naval Committee, in a most able and eloquent argument, which all must remember, proved that the cost of building twenty-five seventy-fours, and forty frigates, averaging thirty-eight guns, and supporting them for a year, would be upward of five millions and a half of dollars less than the expense of the military preparations that were authorized on the 17th day of January last for the year 1812. He also, I think, demonstrated that a navy of half this force would be sufficient to command the American seas, and to protect the commerce and maritime frontier of the United States, and that there could be no difficulty in procuring seamen. On land, every man we recruit is raw and ignorant of his duty. On board our ships of war every seaman, the moment he puts his foot on deck, knows exactly what he has to do, and will faithfully and fully perform his duties. He requires no training, no drilling. The habits of his life have qualified him to do the services that his country requires of him. If Great Britain were to discover in this nation a determination to create and foster a navy, it would have more effect on her than all the operations we can carry on against her provinces. She would not dread half so much the conquest of them all, as she would the naval greatness of this people, gradually expanding itself under a Government constantly encouraging, supporting, and protecting it. We fight, it is said, for commercial rights; let us, then, fight where we can, and where we only can, and ought to defend them. This will greatly tend to unite all parties. It must and will, if any efforts of ours can effect that object, command from the enemy an honorable peace—the wish and desire, I trust, of all.

Mr. PITKIN rose and said:—Before, Mr. Speaker, we give our sanction to this bill; before we agree to add so large a force to our present army, making the whole number fifty-five thousand men, is it not a duty we owe to ourselves and to our constituents, seriously to inquire into the policy, into the necessity of the measure, as well as into the present state of our relations with that nation against which we have declared war? Almost at the very instant when Congress declared war against Great Britain, the Orders in Council, and the blockade of May, 1806, the most prominent causes of the war, were removed. I have always, sir, considered the Orders in Council as the greatest obstacle to the restoration of harmony and free intercourse between the two countries. Had this obstacle been removed before the declaration of war, no one can believe that the Executive would have recommended, or that a majority in either House of Congress would have adopted a measure always fraught with evils in all governments, and which, in a Government like ours, ought never to be resorted to but in the last extremity. I cannot believe that the President, in that case, would have recommended it, when, on the 26th of July, 1811, through the Secretary of State, he informed the British Minister that, on the revocation of the Orders in Council, the non-importation law would be removed, and, of consequence, commercial intercourse would be restored between the two nations. It would be strange, indeed, if the President should, in one moment, restore a free intercourse between the two countries, and, in the next, recommend to Congress a declaration of war, solely on account of another topic remaining in dispute. And, in case such recommendation had been made, if any confidence is to be placed in the declared opinions of gentlemen, many who voted for the war would not, under such circumstances, have given it their support. Unfortunately for the country, the President did not embrace the opportunity, presented by the repeal of the Orders in Council, to remove the non-importation law, and thereby smooth the way for a complete restoration of harmony between Great Britain and the United States. Sir, this would have been done, and the remaining subject of dispute been left in the same situation as before the declaration of war, to be adjusted by amicable arrangements. But, sir, as this was not done, it remains for us, it remains for the people of the United States, to determine whether they will encounter all the evils, all the calamities of war; whether they will sacrifice the fairest prospects, and the best interests of this rising country, on the point now in dispute with Great Britain.

In the few remarks I shall submit to you, sir and to the House, it is not my intention to go into the consideration of all the original avowed causes of the war; but to confine myself to the new aspect of affairs, presented to us since the declaration of war by the removal of the Orders in Council and blockades.

On the subject of impressments, for which alone the war is now to be continued, what, let me ask, is the principle for which our Government contends? It is this, sir: that the flag of the merchant vessel shall cover all who sail under it; or, in other words, that our flag shall protect all the foreigners our merchants may think proper to employ in their service, whether naturalized or not. Before we raise immense armies, before we sacrifice any more of the lives of American citizens, let us inquire—

1st. Whether the principle, if yielded to us tomorrow, would benefit our native seamen, or would promote the real permanent interests of their country.

2. Whether there is a probability of obtaining

a recognition of this principle by a continuance of the war.

The foreigners employed in our service are those who have not been naturalized, and those who have taken the benefit of our naturalization laws. The former constitute nearly the whole: the latter class is very inconsiderable. The foreigners of the first description, of course, were in competition with our native seamen, and either exclude them from employment, or lessen the rate of their wages. In this way, then, the employment of foreign seamen is an injury to our native seamen; and, in a national point of view, it may well be questioned, whether their employment subserves the permanent and solid interest of the country.

Is it not, sir, of the first importance to us, as a commercial and maritime nation, especially when it may be engaged in a war with a great naval Power, to be able to have a sufficient number of native seamen employed in our service? Seamen, who shall be attached by every tie to this country, and on whom we can depend for its defence in time of danger?

This, sir, it is presumed, cannot be denied. If so, is it not the dictate of wisdom and of sound policy for us to give encouragement to our native seamen in preference to those of any foreign country?

The situation in which we now are proves the correctness, as well as the importance, of the position. We are now at war with Great Britain. And, at the very time when this war was declared, thousands of British seamen who had not been naturalized in this country, were, and they still continue in our employment. These seamen (I am speaking, sir, of those not naturalized) are now claimed as British subjects, and indeed, by our own laws, are now considered as alien enemies. Will gentlemen suffer me to turn their attention to this last fact.

By a law passed the 6th of July, 1798, it is enacted, that "whenever there shall be a declared 'war between the United States and any foreign 'nation or Government, &c., all natives, citizens, 'denizens, or subjects, of the hostile nation or 'Government, being males of the age of fourteen 'years and upwards, who shall be within the 'United States, *and not actually naturalized*, 'shall be liable to be apprehended, restrained, se-'cured, and removed, *as alien enemies*." Ought we, sir, to depend upon these men to man our fleets, or to defend our ports and harbors? So far as foreigners of this description are concerned, I do not hesitate to say, that it is not for the interest of this country that our flag should protect them, and that I will never consent to continue this war for the maintenance of this principle on their account. It is well known, sir, that not only Great Britain, but that France, and all the nations of Europe, claim a right to the services of all their subjects in time of war. In the exercise of this right, the history of Europe shows that, at the commencement of almost all wars, proclamations have been issued by the belligerent Powers, recalling their subjects to aid in the defence of their respective countries. During the present war in Europe, this has been done by Great Britain, by France, and the other belligerent Powers. With respect to this claim of allegiance, it is not my intention to enter into the discussion, whether, in the abstract, it is well or ill founded. This would lead me too far, and would tend to no practical good. I will, however, observe, that it is a right, a claim, which has been long exercised in Europe, and has been sanctioned and acknowledged by the most able and distinguished European writers on public law.

In this country we have hitherto considered the subject, rather as a matter of *speculation*, than of *practice*, and a diversity of sentiment has prevailed. But the new state of things, in which the war has placed us, must necessarily lead us to consider it in a practical point of view. Many Americans are now within the dominions of Great Britain, having removed there either before or since the war, and have not been naturalized. It is of importance to them, as well as to ourselves, to know in what point of light they are now to be considered, and how they are to be treated by us. Whether they are still to be considered as American citizens, and owing allegiance to the United States, or as having lost that allegiance.

This subject, sir, has been lately brought in official form before the President of the United States for his decision, in the case of Elijah Clark, who, in August last, on our northern frontier, was, by a court martial, condemned to suffer death as spy. The execution of the sentence was suspended by General Hall, the commanding officer, until the decision of the Executive could be obtained.

The case, as stated by the court martial, was, that Elijah Clark did cross from Canada into the United States, and did linger about our camp as a spy, for the purpose of making a report of the state and condition of it to our enemies; they also state and find, that Clark was born in the State of New Jersey; that he continued to reside in the United States, as a citizen thereof, until about eighteen months prior to August, 1811, when he removed to Canada, and there married; that his wife and property were in Canada, within the dominion and allegiance of the King of Great Britain. The article of war under which he was condemned, says: "That in time 'of war, all persons not being citizens of, or owing 'allegiance to the United States, who shall be 'found lurking as spies in or about the fortifica-'tions and encampments of the United States, '&c., shall suffer death," &c.

The sole question for the determination of the President was, whether Clark, under these circumstances, was a citizen of, or owed allegiance to the United States.

The President decided, that notwithstanding his removal to Canada, about eighteen months before the war; notwithstanding his marriage and residence there, and being employed by the British Government, he was a citizen of the Uni-

ted States, and was not liable to be tried as a spy. His decision is contained in an answer of the Secretary of War to General Hall, and is as follows:

"I have now the honor to inform you, that the said Clark, being considered *a citizen of the United States*, and not liable to be tried by a court martial as a spy, the President is pleased to admit, that unless he should be arraigned by the civil court, for treason, or a minor crime under a law of the State of New York, he must be discharged."

If, sir, under these circumstances, we ourselves claim that our native citizens do not lose their allegiance to this country, how can we resist a claim set up by a foreign Government with respect to their subjects or citizens, when under similar circumstances?

With respect to foreigners, who have been naturalized under our laws, the question is of a more distinct nature, and presents greater difficulties. We ought, undoubtedly, to fulfill all our obligations towards them. What these obligations are, and how far they extend, are questions about which a diversity of sentiment may prevail.—While they remain within our territories, and within our exclusive jurisdiction, they are shielded by the general principle, that all within our dominion and exclusive jurisdiction, are, of course, protected against all claims whatever, and never to be molested in any way without our consent. But, sir, when they go without our territories, and beyond our exclusive jurisdiction, and come within the sphere of the claim of their former Government, the opinion of the best writers on public law seems to be, that the obligation of the country, under whose laws they have been naturalized, does not extend to guaranty them against such claims, unless their allegiance was changed with the consent of their former Government. But, sir, whatever speculative opinions may be entertained on this subject, the number of naturalized seamen is so small, that few, if any, can be of opinion that we ought to have declared war, or that we ought to continue it on their account alone. The whole number of seamen naturalized from 1796 to 1810, as appears by the returns made to the Department of State, is 1,332. This includes those of all nations. What, proportion of these were British, or how many of them are now in our service, it is impossible to determine. I presume, however, the number of naturalized British seamen now in our employ does not exceed two or three hundred. Shall we, sir, continue the war for these men?

I am aware, sir, that with respect to impressment from our merchant vessels, abuses have happened, that although the right of taking American citizens is not claimed, the British commanders have not been scrupulous whether they took British subjects or American citizens. Sir, these abuses I never can, and I never will justify. I am satisfied, however, that they have been exaggerated.

But, sir, let me ask, if we have not really intended to protect foreign seamen under our flag, if we have not been guilty of gross negligence, to say the least of it, towards our native seamen? whether, by our laws, and the practice under them, we have afforded them all that protection and security to which they are entitled?

In 1796, Congress passed an act for the relief and protection of American seamen. By this act, the collectors of the several ports were directed, on application, to enter the names of seamen, being citizens of the United States, to grant them certificates, in a form given in the act. In this certificate, the collector is to describe the person of the applicant: also, to declare that, on proof produced to him agreeable to the act, the seaman is a citizen of the United States of America.

It is not a little singular that, although the proof of citizenship to be produced to the collector must be agreeable to the directions of the act, the act itself no where directs what that proof must be. Every collector, therefore, has, under this act, used his own discretion, or has pursued such directions as he may have received from the Government as to the kind of proof. What, sir, has been the practice under this law? Have those certificates, or protections, as they are commonly called, been confined to *bona fide* American citizens? No, sir; we cannot, we ought not, to shut our eyes against facts too notorious to be concealed or denied. Under this act, made expressly for the protection of American seamen, every foreign seaman, almost at the moment of setting his feet on our shores, has obtained a certificate from some collector, that he is a citizen of the United States; and, with this certificate in his pocket, although perhaps a deserter from his own Government, he enters a public or private vessel, as an American seaman. The mode of obtaining proof of citizenship is well understood. Among other modes, some of which are too disgraceful to be mentioned in this place, those foreign seamen will go before a magistrate, and, although hardly able to speak the English language intelligibly, will swear, for each other, that they were born within the United States, and are American citizens. On such proof, a proof of this sort, the collector issues his certificate.

It will be recollected, sir, that this subject was brought before this House during the last session, in a case from Philadelphia, when a certificate of this kind was obtained by the most flagrant and avowed act of perjury on the part of a foreigner who had just arrived in this country. It was found, on inquiry, that there was no law, either of Pennsylvania or of the United States, to punish the man for this act of false swearing. Not only have these protections been thus obtained by fraud and perjury, but they have also, long since, been an object of barter; they have been bought and sold, and transferred from one to another, not only in this country, but in foreign countries.

To show the extent of this traffic in seamen's protections, permit me to state some facts, of which I have no doubt, knowing the source from whence I have derived them. An American

captain having a ship in Bristol, in England, without a crew, he applied to a man who kept a boarding-house for sailors, to procure a crew of American sailors in port; he showed him a great number of American protections, which he agreed to sell him for two guineas each, and with the aid of these to procure him a crew. By high wages, and by suiting these protections to the description of British sailors, he procured this captain his ship's crew; not only so, but when the ship was about to sail, and it was doubtful whether those who had engaged for the voyage would actually go on board, this man actually procured some of a press gang to take them as American sailors, who had deserted from their ship, and put them on board. When we ourselves place no confidence in these certificates, when we know that they are thus obtained by fraud and perjury, can we expect that foreign nations will give credit to them? Instead of being a shield and protection to the real American sailor, they have become a dangerous weapon of offence.

If, sir, it is not for the permanent interest of the United States to employ so many transient foreign seamen, we ought long since, not only to have refused these false protections, but to have passed laws for the encouragement of our native seamen, similar to those which have been adopted in commercial countries, and are commonly called navigation acts. This would, in some measure, have relieved us from the evils which we now experience, in consequence of the employment of so many foreign seamen.

By the existing laws of the United States, nothing more is necessary to entitle a merchant vessel, if registered, to the character of an American vessel, than that she be owned and commanded by a citizen of the United States. If the master of the vessel is a citizen of the United States, every other person on board, employed in navigating the same, may be a foreigner, owing no allegiance to this country. In this respect, it is believed, our laws present an anomalous case in the history of the commercial world. In most, if not all the commercial nations in Europe, not only the master, but one half of the mariners, at least, must be subjects or citizens of the country to which the merchant vessel belongs. By the famous ordinances of Louis XIV, which have been considered as an excellent code of maritime regulations, every French vessel must not only have the captain, but all the officers, and two-thirds of the sailors, Frenchmen, and actually resident in the realm. In 1716, the King of France, however, prohibited the employment of any foreigners on board of merchant vessels. Afterwards, in 1723, on the representations of the merchants, he permitted one-third of the crew to be foreigners, and not beyond, on the penalty of fifteen hundred livres, and of the confiscation of the ship and cargo. In September, 1793, in the time of the French Republic, a law was passed that no vessel should be entitled to the privileges of a French vessel, unless the officers and three-quarters of the crew were Frenchmen. By the general navigation acts of Great Britain, it is well known that three-quarters of the seamen must be British subjects, to give the national character to a merchant vessel in that country. The maritime principle of the north of Europe requires that one half of the crew, at least, shall be subjects or citizens of the country to which the vessel belongs, or which flag it bears. In the treaty of June, 1801, between Great Britain and Russia, and to which Sweden and Denmark afterwards acceded and became parties, it is established as an inviolable rule, "that any vessel 'whatever, in order to be considered as the prop-'erty of the country, the flag of which it carries, 'must have on board the captain of the ship, and 'one half of the crew of the people of that coun-'try." The policy of these regulations, which have been adopted by the maritime nations of Europe, is obvious. It gives a more certain stamp of national character to the vessel; it encourages native seamen; it affords greater security to the property of the merchant; and, above all, it adds to the real strength of a country, by placing in its power a greater number of brave and hardy men, who, bound by the natural ties of allegiance to their country, can be called upon to defend its rights whenever attacked. Let me ask, sir, whether, since we have become a nation so commercial, and, as a maritime power, must necessarily come more and more into collision with the maritime nations of Europe, sound policy does not dictate the propriety, as well as the necessity, of our adopting similar regulations, with respect to the navigation of our merchant vessels. This would, in a great degree, remedy the evils of which we now complain.

Indeed, sir, I fear it will be difficult, if not impossible, for us to remedy these evils, unless, by the adoption of a permanent system of this kind, we cease to employ so many foreign seamen in our commercial service.

But, sir, whether the principle, that the flag shall protect all sailing under it, be for the permanent advantage of the United States or not, let us, in the second place, inquire as to the probability of obtaining a recognition of this principle by a continuance of the war.

The subject of impressments has engaged the attention of every Administration since the commencement of the war in Europe, in 1792. The greatest and the best man that ever presided over the affairs of this or any other country, attempted to make a settlement on this subject, but was unable to effect one which was deemed by him satisfactory; and yet he did not think proper to involve his country in a war on this account. Similar attempts were made during the Administration of Mr. Adams, but without success. The subject was again agitated by Messrs. Monroe and Pinkney, and under the most favorable auspices, in 1806, when they concluded a treaty with Great Britain during the Fox administration. If the principle we contended for would ever have been relinquished to this country, it would have been yielded under an administration which has always been considered as the most friendly to the views and interests of the United

States. But, sir, Lords Holland and Auckland informed our Commissioners, that such was the feeling, such the sensibility of the British nation on this point, that no Ministry would dare to relinquish it. They would engage for nothing more than that the right should be exercised with the utmost caution, and in a manner pointed out by them in their plan delivered to our Commissioners, of November 8, 1806.

Messrs. Monroe and Pinkney were *then* satisfied that no other terms could be procured, and that these were far preferable to a resort to war. Mr. Monroe, in his explanatory letter to the Government, of February 28, 1808, speaking of impressment, and of the consequences which, in all probability, would follow from a rejection of the terms then offered on the subject, makes use of this emphatic language:

"War, therefore, (says he,) seemed to be the inevitable consequence of such a state of things, and I was far from considering it an alternative which ought to be preferred to the arrangement which was offered to us. When I took into view the prosperous and happy condition of the United States compared with that of other nations, that, as a neutral Power, they were almost the exclusive carriers of the whole world, and that, in common, they flourished beyond example, notwithstanding the losses they had occasionally suffered, I was strong in the opinion, that those blessings ought not to be hazarded in such a question."

If, sir, these blessings, as Mr. Monroe so justly calls them—blessings which every individual, because they come home to every man's dwelling in the nation, felt—were not *then* to be hazarded on such a question, why, let me ask, are they *now*, for the same question, not only to be hazarded, but actually sacrificed?

But, Mr. Speaker, if we have so little prospect of gain, let us inquire more particularly what we have to lose by the continuance and prosecution of this war. Thousands of American citizens must inevitably fall a sacrifice in the contest; our vast and widely extended commerce must, in a great degree, be annihilated; our shipping destroyed; and our revenue reduced next to nothing. We must necessarily incur an accumulation of public debt, for the payment of which we must be burdened with taxes for perhaps half a century.

Before the commencement of the restrictive system—that is, in the years 1806 and 1807—the commerce of the United States was greater than that of any nation in the world, except Great Britain. The return of our exports in the last of these years exceeded one hundred and eight millions of dollars.

The exports of France, in her most prosperous days, never exceeded about seventy-one millions of dollars. The widely extended Empire of Russia, with a population estimated at twenty-five or thirty millions of people, in the year 1802, exported in value only to the amount of about forty-three millions of rubles, or about thirty-two millions of dollars. The value of all the exports from the Baltic, comprehending Russia, Sweden, Denmark, Prussia, the great grain country of Poland, and the Hanse Towns, in some of the most prosperous years, has not exceeded ninety millions of dollars. In the articles of wheat and flour, we have lately come in competition with those countries situated around the Baltic, which are considered as the granaries of Europe. In the years 1801 and 1802, the average quantity of wheat exported from all the ports in the Baltic, was eight millions of bushels. The United States exported, on an average, for the same years, (reducing the flour exported to bushels,) little short of six millions; and, in the year 1811, the quantity exported from the United States exceeded seven millions. During the years 1806 and 1807, our exports were about equal to all the exports of Great Britain in the years 1792 and 1793—the time when the present war in Europe commenced.

With respect to our shipping, the commercial tonnage of the United States now exceeds that of all the other nations in Europe put together, except Great Britain; it falls little short of the amount owned by that nation. The vast increase of our shipping, for twenty years past, has been without example. In the year 1790, our commercial tonnage was about four hundred and fifty thousand; it is now about three times that amount.

When we compare this increase of shipping in England, which is now, and for a long time has been, the greatest commercial nation in the world, we are struck with astonishment. In 1700, the whole commercial tonnage of England was about two hundred and seventy-four thousand; in 1750, it did not much exceed six hundred thousand, and in 1800 it amounted to only one million three hundred and thirty-seven thousand—about equal to the amount now owned by the United States. As to our revenue in 1807, it exceeded seventeen millions of dollars; and the Secretary of the Treasury has informed us, that, with single duties, during the present war, it will not be more than two millions and a half. The war in Europe, terrible and destructive as it has been to that part of the world, has thrown wealth into our hands. Notwithstanding, sir, all the spoliations upon our commerce—all the injuries we have received from the belligerents—history does not present an example of a nation which has increased so rapidly in wealth, in so short a period, as the United States. We have, indeed, become rich from the misfortunes and from the calamities of the Old World. If any one doubts this, let him look to our situation in 1807, before the restrictive system began, when our flag was in every sea, and we were indeed the carriers of the world; let him look to the vast increase of banking institutions in this country, having a capital at this moment of about sixty millions of dollars; let him look to the increase of wealth in all our large towns and cities, and to our internal improvements of every kind.

As to the debt which will be incurred in consequence of the war, as we are to depend solely upon *loans*, it must necessarily increase with great rapidity. The sum borrowed in the year 1812 was thirteen millions one hundred thousand two hundred dollars. The Secretary of the Treasury

has informed us, that, to meet the expenses authorized at the date of his annual report, a further sum of twenty millions must be obtained on loan for the year 1813. This did not include the addition since made of four seventy-fours and six frigates to the Navy, for the building of which two millions five hundred thousand dollars have been appropriated; nor did it include the expense of the twenty thousand men to be raised by the bill now under consideration. Making every allowance—every deduction for the ranks of the various armies not being filled by enlistments—the sum which must be obtained on loan will be at least twenty-five millions of dollars; making the sum borrowed, in these two years, thirty-eight millions one hundred thousand two hundred dollars. What, sir, was the amount of the debt of the United States, exclusive of the State debts, at the close of the Revolutionary war? It was only estimated at forty-two millions three hundred and seventy-five dollars. If we proceed in the same ratio of expense as we have done in the prosecution of this war, by the 18th of June, 1814, (two years,) we shall have incurred a debt (provided we can borrow the money) equal in amount to the whole debt of the United States incurred by the seven years' Revolutionary war.

But, Mr. Speaker, it is said those peaceful scenes of unexampled prosperity must be exchanged for war, on account of our honor. If we are to fight for this principle of honor, why not act uniformly? Has not our honor been always wounded by the other great belligerent? Has not Bonaparte taken hundreds of our seamen, and either immured them in his prisons or turned them adrift in France, without any means of subsistence; and have not we been obliged, within the last two or three years, to spend thousands and tens of thousands of dollars to enable these seamen to return to their native country? Has not he also robbed us of many millions of property, without any compensation, or even a promise of compensation? Why, sir, did he pass the famous Rambouillet decree, under which, with one sweep, he robbed our merchants of from ten to fifteen millions of dollars? This was done because, as he alleged, we had repealed the embargo, and passed a non-intercourse law against him, as well as against the other belligerent. And although our Government declared that the law was a mere municipal regulation, at which neither of the belligerents could or ought to take offence, the Emperor of France considered it as an act of hostility against him, therefore he passed this decree as a measure of retaliation. And when, sir, did he pass it? not until, by waiting about two months without any complaint, he had decoyed hundreds of our vessels into his ports, and then, by giving it a retrospective operation, he, without ceremony, placed the avails of these vessels and their cargoes in his own private chest.

What, sir, has been the conduct of the great Emperor towards this country in respect to the Berlin and Milan decrees? Has the honor of the United States no concern in this? Were these decrees in fact repealed? Did they cease to have effect on the 1st of November, 1810? No, sir, no man will now be bold enough to assert the fact. The Emperor has at length told you, that they were not then repealed. The deception which has been practised upon this Government is now too plain to be concealed or denied. It never was the intention of Bonaparte to repeal those decrees, until he was satisfied that we had taken, or would inevitably take, the last decisive step against his enemy; and his conduct has been in conformity with that intention.

He was not satisfied, sir, with our non-importation law—no, sir, he had long since declared, and we know it, he would compel us to be his allies or his enemies. When, sir, did the act repealing the Berlin and Milan decrees, first make its appearance? Not until the Emperor of France knew that we had passed the Rubicon; not until he knew (and I beg gentlemen will attend to the fact) that Congress had determined upon war with Great Britain, by laying an embargo for ninety days, as a sure and inevitable precursor to that event. Mr. Russell, sir, presented this decree to the British Government on the 20th day of May, 1812; he could easily have received it from Paris in the course of a few days. The embargo was laid about the first of April, there was ample time for the news to have reached France by about the 10th of May, and it was said at the time, that the moment it had passed both Houses of Congress, the French Minister sent off to France a fast sailing vessel, no doubt to give his master full information on the subject. On obtaining this information, the decree first made its appearance; and at a time too when, even if the Orders in Council should be repealed in consequence of it, the Emperor was satisfied that we should have gone too far to recede. The events have proved that he formed a correct judgment of the views and sentiments of our Government. The Orders in Council were repealed, and agreeably to his wishes, we are still at war with his enemy. We have not only been deceived by Bonaparte himself, but, sir, we can place no confidence upon the little information we sometimes obtain from our Minister at his Court.

What did Mr. Barlow write to some of his friends in this country in July last? Why, that he was upon the point of concluding one, two, or three treaties with the Emperor of France. What was the information he gave, at the same time, to other friends of his? directly the reverse: that there was no prospect of any treaty, or of obtaining justice from the French Emperor. Where is our Ambassador now? Gone to Wilna, to meet by special appointment, it seems, this robber of nations. What can be the object of this long journey, I know not. Perhaps, sir, to do homage to this mighty conqueror, perhaps to complete some of the treaties he has heretofore talked so much about.

The Emperor may, perhaps, now be willing to promise to do us justice, when the war against the common enemy is finished.

Mr. Speaker, during this war in Europe, the maxims of prudence, the maxims of sound policy,

directed us to preserve the humble but successful path of neutrality—a path pointed out to us by the Father of his Country—a path, which has led to wealth, to prosperity, to happiness. We ought not to mingle in that storm which is desolating Europe. The fates, the fortunes of the new world, ought not to be linked with the fates, with the feelings and fortunes of the old. I have considered it as a sort of political madness for the United States to engage in, and in any manner to become parties in this mighty conflict. Those political—nay, those moral ties which, heretofore, have bound the great society of nations together, are now broken.

We may talk as long as we please about the law of nations; "it is a tale of other times." When such conquerors as Alexander, Cæsar, and Bonaparte, arise, their will alone always has been, and always will be, the law by which they are governed. And, sir, while the present state of the world remains, while Bonaparte lives, he who expects that we shall be able to restore and to replace the great landmarks of national law, will find that all his attempts will be vain, and worse than vain.

I had intended, Mr. Speaker, to have touched upon some other topics, particularly as to the mode of carrying on the war, and the propositions made to Great Britain by our Government, since the declaration of war. But, sir, the lateness of the hour admonishes me, that I ought no longer to trespass on the patience of the House.

TUESDAY, January 5.

Mr. CHEVES, from the Committee of Ways and Means, presented a bill granting additional compensation to the Collector of the port and district of Plymouth, in the State of North Carolina; which was read twice, and committed to a Committee of the Whole to-morrow.

A Message from the President of the United States was read, transmitting a report of the Director of the Mint.—Referred to the Committee of Ways and Means.

On motion of Mr. JOHNSON,

Resolved, That the Committee of Ways and Means be authorized and directed to inquire into the expediency of allowing the Secretaries of the War and Navy Departments the same annual compensation as is allowed by law to the Secretaries of State and of the Treasury; and that they be authorized to report by bill, or otherwise.

Mr. LACOCK was appointed of the committee on that part of the President's Message which relates to our foreign relations, in the place of Mr. SMILIE, deceased.

On motion of Mr. BACON,

Ordered, That the Clerk of this House do cause to have re-printed the usual number of copies of the Message of the President of the United States, transmitting copies and extracts of documents in the archives of the Department of State on the subject of British impressments from American vessels, communicated to the Senate on the 6th of July, 1812.

Mr. TALIAFERRO offered the following resolution, observing that the reason why the provision had heretofore been withheld from our laws, was the uncertainty of water conveyances, which uncertainty by the invention of steamboats, had, in a great measure, been done away:

"*Resolved*, That the Committee on Post Offices and Post Roads be instructed to inquire into the expediency of authorizing the Postmaster General to contract with the proprietors of steamboats for the transportation of the mail of the United States by water; and also into the expediency of prohibiting the transportation of letters by water between post towns, or from one post town to another, by any packet or water craft, where the proprietor or master thereof shall not have previously contracted therefor with the Postmaster General, and report by bill or otherwise."

Some conversation took place on the motion. Messrs. RHEA, LEWIS, and SEYMOUR, objected to some parts of it. It was eventually, with the consent of Mr. TALIAFERRO, postponed to Monday next.

ADDITIONAL MILITARY FORCE.

The House resumed the order of the day on the bill for raising an additional military force of 20,000 men for one year, the question being on the passage of the bill to a third reading.

Mr. BOYD.—Mr. Speaker: It is with great diffidence that I address the Chair. When the bill now before the House was under discussion on Saturday last; that is, the then proposed amendment to insert eighteen months, instead of one year, I was offering my reasons why I thought that that amendment ought to prevail; when, unfortunately for me, I was considered as taking too great a latitude, and prevented from connecting my remarks. As there is little difference, in point of principle, as the bill then was and now is, I embrace this opportunity to make up that deficiency, and will now take care to stick as close as possible to the text.

Sir, I am opposed to passing the bill to a third reading, because I believe it to be altogether inadequate to the purpose intended to be accomplished by it. Sir, when I last addressed the Chair, I then took a retrospective view of our past expectations, plans, and propositions, from which we expected to derive great advantages. Such were the expectations of that time, that I did not accord with them. Those expectations have not been realized; but, instead thereof, we have met with disappointments and misfortunes. I thought that viewing the errors of the past was the most certain way to avoid the future; and I am not at this time sensible of that being erroneous.

Mr. Speaker, I am an old man, and not in the habit of public speaking; and if I have not the faculty of composing my arguments in so connected a form as a lawyer's special pleadings, I hope the House will excuse me, and grant me their indulgence to do it in such form as my capacity will admit of.

[The SPEAKER observed that it was unpleasant to the Chair that the gentleman should in-

dulge in such remarks; he had certainly no wish not to give full latitude to debate. Mr. B. said he stood corrected, and was allowed to proceed.]

Then, Mr. Speaker, I object, because, in my opinion, it is not calculated to produce the desired effect, or that which is intended by it: that is, to raise a force competent to the conquest of the Canadas in the given time. I will ask how many regiments you have in your present establishment? Say thirty-five, and you add twenty, making together fifty-five: what use is there in multiplying regiments without men? The Chairman did state that, from prudential motives, he had thought it inexpedient to give the number now actually in service, or enlisted by the present establishment. Sir, it is not my wish to go into a strict inquiry; the regard I have for the honor of my country forbids me; but I will suppose seventeen thousand, and, I believe, that is large; then there is left officers for eighteen thousand men. Are these not sufficient for the recruiting service? to engage every man who is willing to serve his country? to place a recruiting officer in almost every town and village in the United States? They are; and, therefore, you ought not to create an unnecessary addition. If the present establishment is not full, what is the reason? Either that the pay and bounty are not sufficient inducements, or there is a dislike to the service; your creating more regiments will not remove that difficulty. I am against the bill, because the term of service is too short to answer any valuable purpose. Suppose them intended to operate as a force against Canada. Let us see how that will answer the purpose: You send out your warrants to commence the enlistment of the proposed troops at this time; how long a time, is it contemplated, will be necessary for their enlistment? My opinion is, that you will not have them half full in four months; it is then time to take the field, and they are then raw troops. The honorable Chairman (Mr. D. R. Williams) states to you the number of troops necessary for defensive operations, according to his calculation, to be ten thousand; deducting that number from the present establishment, supposing it to be full. It is not for me to say how far the present establishment is short of the whole number, or will be at that time; but we know that it is far short; we do not know that it can be filled, and if it cannot, then those calculations are fictitious. He also states to you that the regular force in the Canadas is not to be estimated at less than twelve thousand, and three thousand in Halifax, besides their militia. According to this, and my views, you cannot enter Canada the next campaign with man for man; and surely that is not sufficient for conquest in an enemy's country. But I will suppose that you conquer a part of the country; that part must be garrisoned if you will keep it. In a year from the time of enlistment their term expires, and what becomes of your conquest, without force to keep it, supposing it to be made? Say that the officers will be called into service in four months, and there is some of the men enlisted six or eight months hence; the officers must serve until the expiration of the term of the last man engaged, or a derangement must take place—always a disagreeable occurrence in an army.

Sir, if you have not numbers sufficient to bear down all opposition, invade it not; act on the defensive until you have engaged your men, and for a term of time sufficient to answer your purpose; then may you count upon success and honor. I do not say that I believe land conquests will produce an acknowledgment of our rights on the ocean. I believe it will not; but unless you act with great regularity, system, and economy, you cannot avoid it; you must meet with nothing but disappointments and disgrace.

Mr. Law said as he was originally opposed to the war, and the preparatory steps which led to it, he could not admit the principle, *that because war was declared* he was bound to acquiesce, and lend his aid to promote every plan for prosecuting the war which might be proposed, however wild and extravagant the same might appear. He said he felt it a duty, and he claimed it as a right, (although he was not ambitious very often to exercise the right,) to offer objections to any measures which might be introduced, if he supposed they were not calculated to produce the effect intended, although he might not be in favor of the object itself; or if he believed the measure proposed would be productive of real evil. Now, sir, on this important occasion it would be wise for a moment to look back, and if we can bear the pain of retrospection, consider what this nation once was, what it might be, and what it in fact is. Time was, and that within the recollection of us all, when industry, commerce, prosperity, and peace, gladdened the hearts of this once happy people, and the use of arms was known only as a pacific pastime. The nation, like some individuals, could not bear the intoxicating influence of prosperity. It might have preserved its enviable condition, but it labored and groaned under the weight of national blessings; it submitted to regard the sinister views and malign influence of foreign Powers; it listened—fatally listened—to a serpent more fell than the serpent of old. And now how sad is the reverse, let a dejected and impoverished nation answer; in the past, we see departed comforts; before us, we behold ruin and distress. The unhappy crisis to which we have arrived has been progressive. Had the transition been sudden, the nation would have been driven to desperation. We have been often admonished by those who foresaw the present evils; and had we been wise, might have avoided the calamities in which the country is now involved, and from which there is at present no prospect of speedy relief.

Sir, we will no longer dwell on times past; we will now briefly notice the causes which were alleged in the manifestoes which immediately preceded the declaration of war, and what was said to be the object, and attempt to show that the bill now under consideration is unnecessary

for the attainment of the original object; that it will be injurious to the militia, and may endanger the liberties of the country.

As to the causes of the war, without admitting or denying their justice on national principles to justify the act at the time it was declared, he might say that some of the pretended causes have never been seriously relied on by our own Government. The principal one has been wholly removed; and but one of the ingenious catalogue now remains, and that might easily be adjusted to the mutual satisfaction of both nations. And, sir, it ought not to be forgotten, that the act declaring war was carried with great labor and much reluctance; and such was the majority in each branch of Congress that it might well have justified a doubt as to the expediency when it did pass. Besides, a large proportion of the United States were then, and even since, have been opposed to the act. And this opposition was not confined to those who have been slanderously reported to be in the interest of Great Britain. The disgust and abhorrence was felt by some of the best patriots and purest bosoms in the country. Experience has also proved that the public sentiment was against the war; witness the feeble ranks of your volunteers, the slow and reluctant march of the militia, and the tardy progress in the recruiting service. Sir, the disgrace and disasters which have hitherto attended the Army, have resulted more from a want of confidence in the justice and propriety of the war, than from the lack of talents in those who have conducted the battles, incompetent as they have been represented to command. A nation like this cannot be driven to war. They must feel the justice and necessity of it, and the justice must be so strong as to pierce every heart. This would be felt in a necessary and defensive war; then, indeed, the nation would smite with one arm. Before such a people, roused in such a cause, the veteran legions of Napoleon would be compelled to bite the dust. Such, alas! is not our case. We have a war, without the spirit or unanimity which springs from these causes, and without the pecuniary means of supporting it. Such a war must be disastrous! On what, sir, is the honor of this nation now suspended? On the Navy! that little navy which was despised, neglected, and forgotten, until it fought itself into notice, and rescued the sinking honor of the country.

What, sir, was the avowed object of this war? It has ever been said that conquest, with a view of extending our territory, and enlarging our dominion, was not the wish of this Government. The idea of this Republic following the footsteps of foreign ambitious nations, was so repugnant to the genius of the American people, and the Constitution under which we live, that few, if any, of the warmest advocates of the war dare avow it.

The pretence was to take, or rather to receive Canada; for it was vainly supposed the inhabitants of that province would readily join our standard, on the first invitation. But we must go through the form of conquest to protect them from the charge of treason to their own Government. We were to hold Canada until peace should return, and then it was to be delivered up in exchange for maritime rights. And this it was supposed would be a powerful weapon in our hands in the negotiation. With this view the bills augmenting the Army, raising the volunteers, and transferring the militia, passed. By the present bill, and the project connected with it, the original plan is abandoned with the volunteers and militia, and we are now presented with a compound system of conquest, extermination, and defence. It would seem with the force of fifty-five thousand regular troops, we are to conquer all the residue of North America; exterminate every tawny infidel this side the Isthmus of Darien, and defend a seacoast many hundred miles in extent from the incursions of the enemy! This is truly a gigantic project. He said he could not give it his aid; and he thought some honorable gentlemen who voted for the war would, when they reflected on the magnitude of the scheme now presented, seize this occasion to retire, unwilling to entail on themselves and posterity the expense and ruin which would flow from the project, if carried into execution.

Sir, the bill is objectionable, on the ground that it is inadequate to the objects intended, even if they were wise and desirable. It is doubtful whether the men could be recruited; judging from the success which has attended the enlistments in the old Army they could not be. But supposing they could be raised with all reasonable speed, the time of service for which they are to be raised by the terms of the bill, was such, that it had been clearly shown, they could not be disciplined and rendered fit for the duty contemplated before their term of service would expire. In which case, they will be useless for the objects intended, and we incur the expense for nothing. He said he mentioned this as an objection to the bill, not that it was such in his mind, for he thought the difficulty of carrying it into effect was the only thing valuable in the bill. If, however, the bill and project should succeed, he said it would, in his opinion, be injurious to the militia. We have been told on former occasions that the militia constitute an important force, they have been styled the defence of the country. That the nation may and ought principally to depend on them, as from them security may be expected and no danger need be apprehended. This is doubtless true, and would prove so in a just and defensive war. But it is said we cannot order them out of the United States; true—and why, if the nation is principally to depend on them? Because, sir, it never was intended, by the framers of our Government, that we should become a conquering nation; and to check this ambition, this guard was put on that force, for it could not be presumed this nation would ever consent to raise a large army to be employed in foreign conquest. And for all Constitutional emergencies, the militia might be relied on; and we ought to be cautious, not to create a standing army, able to control and

overcome the militia of the country. By passing the bill and raising fifty-five thousand men, we virtually say to the militia, you are useless, you are no longer to be trusted—they are despised, degraded, and neglected; they are no longer to be regarded as the national strength; we say we will have a regular army, sufficient, not only for conquest, but to suppress insurrection and enforce the laws. The militia being thus overawed and controlled by regular troops, will dwindle into insignificance, unless, from a principle of self-defence, they should be roused into action. But, sir, the bill is objectionable on another ground, perhaps more serious and solid; we are about to increase the Army to fifty-five thousand men. Is it safe to raise so large an army in this country? May there not be even more difficulty in disbanding them than there is in raising them? The whole world appears at this moment to be actuated by a military mania; all civil Governments, except our own, seem to be prostrated, and Europe is now groaning under martial law. Military power naturally generates ambition; it is the *pabulum* on which it thrives—it is the element in which it lives; a large army raised at first for defence naturally sighs for conquest. Have we any security against these effects? We have no Washington, who by his native majesty could control an army, and restrain their ardor to patriotic pursuits. But, sir, should a military chieftain rise up in these turbulent times, of less virtue and more selfishness than that immortal patriot, and be prompted to use this Army for purposes not now contemplated; and should this host find themselves disappointed in their pay, an event by no means impossible from the present aspect of affairs, may we not, when it is too late, find ourselves conquered, instead of Canada? Under the apprehension of these possible dangers, he said he must withhold his assent to the bill, and trust to his constituents to justify his conduct. If he really believed the bill necessary for the safety and welfare of the country, he would give it his warmest support.

Sir, it has been suggested that certain steps were about to be taken, to bring on a peace. He said he would with great pleasure join in that object. But it is intimated that it will be necessary to pursue the project connected with the bill, in the event those propositions should fail. His answer to this was, first: If the propositions were such as they ought to be, they could not fail, and the Army would be unnecessary: secondly, he doubted whether this was the best mode to induce the acceptance of pacific propositions. It seems to imply insincerity on the face of it. It looks as if we ourselves did not believe they would be accepted; nor was it the most conciliatory attitude for pacific negotiation.

Sir, said he, it will be recollected, when the proposition for this national tournament first came out, it was stated by a distinguished gentleman, among other reasons, why this nation should go to war, that it was necessary to establish its character, and convince other nations that we were a valiant and courageous people. It was said, they would respect us, and be more cautious how they provoked our ire. There was something novel and ingenious in the idea; but he confessed it had little weight with him, as a reason for the war. He believed the evidence of national valor was already engraved on the tombs of departed heroes, and recorded in the history of the country. Another idea had been suggested, which if not of less weight as a reason was at least more sublime. He said he meant the idea of fighting for glory. He could not, he said, consent to involve the country in carnage, distress and ruin, for that phantom. But he thought even on this point we might be satisfied. It is said by a poet of some celebrity—

> "Th' extremes of glory and of shame,
> "Like East and West, become the same."

We have arrived at the acme of true glory on the water, and he would leave the House to judge how far we were removed from the other extreme on land. He concluded by saying, he was against the bill—he was for peace.

Mr. Quincy.—Mr. Speaker, I fear that the state of my health may prevent my doing justice to my sentiments concerning this bill. I will, however, make the attempt though I should fail in it.

The bill proposes that 20,000 men should be added to the existing Military Establishment. This, at present, consists of 35,000 men. So that the effect of this bill is to place, at the disposal of the Executive, an army of 55,000. It is not pretended that this addition is wanted either for defence or for the relief of the Indian frontier. On the contrary, it is expressly acknowledged that the present establishment is sufficient for both of those objects. But the purpose for which these 20,000 men are demanded is, the invasion of Canada. This is unequivocally avowed by the Chairman of the Committee of Military Affairs, (Mr. D. R. Williams,) the organ, as is admitted, of the will and the wishes of the American Cabinet.

The bill, therefore, brings, necessarily, into deliberation, the conquest of Canada, either as an object, in itself desirable, or consequentially advantageous, by its effect, in producing an early and honorable peace.

Before I enter upon the discussion of those topics, which naturally arise from this state of the subject. I will ask your indulgence, for one moment, while I make a few remarks upon this intention of the American Cabinet thus unequivocally avowed. I am induced to this from the knowledge, which I have, that this design is not deemed to be serious by some men of both political parties; as well within this House as out of it. I know that some of the friends of the present Administration do consider the proposition as a mere feint, made for the purpose of putting a good face upon things, and of strengthening the hope of a successful negotiation, by exciting the apprehensions of the British Cabinet for the fate of their colonies. I know, also, that some of those who are opposed in political senti-

ment to the men who are now at the head of affairs, laugh at these schemes of invasion; and deem them hardly worth controversy, on account of their opinion of the imbecility of the American Cabinet, and the embarrassment of its resources.

I am anxious that no doubt should exist upon this subject either in the House or in the nation. Whoever considers the object of this bill to be any other than that which has been avowed, is mistaken. Whoever believes this bill to be a means of peace, or anything else than an instrument of vigorous and long protracted war, is grievously deceived. And whoever acts under such mistake, or such deception, will have to lament one of the grossest, and perhaps, one of the most critical errors of his political life. I warn, therefore, my political opponents; those honest men, of whom I know there are some, who, paying only a general attention to the course of public affairs, submit the guidance of their opinions to the men who stand at the helm, not to vote for this bill under any belief that its object is to aid negotiation for peace. Let such gentlemen recur to their past experience on similar occasions. They will find that it has been always the case, whenever any obnoxious measure is about to be passed, that its passage is assisted by the aid of some such collateral suggestions. No sooner do the Cabinet perceive that any potion, which they intend to administer, is loathed by a considerable part of the majority, and that their apprehensions are alive lest it should have a scouring effect upon their popularity, than certain under-operators are set to work, whose business it is to amuse the minds, and beguile the attention of the patients while the dose is swallowing. The language always is: "Trust the Cabinet doctors. The medicine will not operate as you imagine, but quite another way." After this manner the fears of the men are allayed, and the purposes of the Administration are attained under suggestions very different from the true motives. Thus, the embargo, which has since been unequivocally acknowledged to have been intended to coerce Great Britain, was adopted, as the Executive asserted, "to save our essential resources." So, also, when the present war was declared against Great Britain, members of the House were known to state that they voted for it under the suggestion that it would not be a war of ten days; that it was known that Mr. Foster had instructions to make definitive arrangements, in his pocket; and that the United States had only to advance to the point of war, and the whole business would be settled. And now an army, which, in point of numbers, Cromwell might envy, greater than that with which Cæsar passed the Rubicon, is to be helped through a reluctant Congress, under the suggestion of its being only a parade force, to make negotiation successful; that it is the incipient state of a project for a grand pacification!

I warn also my political friends. These gentlemen are apt to place great reliance on their own intelligence and sagacity. Some of these will tell you that the invasion of Canada is impossible. They ask where are the men—where is the money to be obtained? And they talk very wisely concerning common sense and common prudence, and will show, with much learning, how this attempt is an offence against both the one and the other. But, sir, it has been my lot to be an observer of the character and conduct of the men now in power for these eight years past. And I state, without hesitation, that no scheme ever was, or ever will be, rejected by them, merely on account of its running counter to the ordinary dictates of common sense and common prudence. On the contrary, on that very account, I believe it more likely to be both suggested and adopted by them. And, what may appear a paradox, for that very reason, the chance is rather increased that it will be successful.

I could illustrate this position twenty ways. I shall content myself with remarking only upon two instances, and those recent; the present war, and the late invasion of Canada. When war against Great Britain was proposed at the last session, there were thousands in these United States, and I confess to you I was myself among the number, who believed not one word of the matter. I put my trust in the old fashioned notions of common sense, and common prudence. That a people, which had been more than twenty years at peace, should enter upon hostilities against a people which had been twenty years at war; that a nation, whose army and navy were little more than nominal, should engage in a war with a nation possessing one of the best appointed armies and the most powerful marine on the globe; that a country, to which neutrality had been a perpetual harvest, should throw that great blessing away for a controversy in which nothing was to be gained, and everything valuable put in jeopardy; from these, and innumerable like considerations, the idea seemed so absurd that I never once entertained it as possible. And now, after war has been declared, the whole affair seems so extraordinary and so utterly irreconcilable to any previous suggestions of wisdom and duty, that I know not what to make of it or how to believe it. Even at this moment my mind is very much in the state of certain Pennsylvania Germans, of whom I have heard it asserted that they are taught to believe, by their political leaders, and do at this moment consider the allegation, that war is at present existing between the United States and Great Britain, to be a "federal falsehood."

It was just so with respect to the invasion of Canada. I heard of it last June. I laughed at the idea, as did multitudes of others, as an attempt too absurd for serious examination. I was in this case again beset by common sense and common prudence. That the United States should precipitate itself upon the unoffending people of that neighboring colony, unmindful of all previously subsisting amities, because the parent State, three thousand miles distant, had violated some of our commercial rights; that we should march

inland, to defend our ships and seamen; that with raw troops, hastily collected, miserably appointed, and destitute of discipline, we should invade a country defended by veteran forces, at least equal, in point of numbers, to the invading army; that bounty should be offered and proclamations issued, inviting the subjects of a foreign Power to treason and rebellion, under the influences of a quarter of the country upon which a retort of the same nature was so obvious, so easy, and, in its consequences, so awful; in every aspect, the design seemed so fraught with danger and disgrace, that it appeared absolutely impossible that it should be seriously entertained. Those, however, who reasoned after this manner were, as the event proved, mistaken. The war was declared. Canada was invaded. We were in haste to plunge into these great difficulties, and we have now reason, as well as leisure enough, for regret and repentance.

The great mistake of all those, who reasoned concerning the war and the invasion of Canada, and concluded that it was impossible that either should be seriously intended, resulted from this, that they never took into consideration the connexion of both those events with the great election for the Chief Magistracy which was then pending. It never was sufficiently considered by them, that plunging into war with Great Britain was among the conditions on which the support for the Presidency was made dependent. They did not understand, that an invasion of Canada was to be in truth only a mode of carrying on an electioneering campaign. But since events have explained political purposes, there is no difficulty in seeing the connexions between projects and interests. It is now apparent to the most mole-sighted how a nation may be disgraced, and yet a Cabinet attain its desired honors. All is clear. A country may be ruined, in making an Administration happy.

I said, Mr. Speaker, that such strange schemes, apparently irreconcileable to common sense and common prudence, were, on that very account, more likely to be successful. Sir, there is an audacity, which sometimes stands men instead both of genius and strength. And most assuredly, he is most likely toper form that which no man ever did before, and will never be likely to do again, who has the boldness to undertake that, which no man ever thought of attempting, in time past, and no man will ever think of attempting in time future. I would not, however, be understood as intimating, that this Cabinet project of invasion is impracticable, either as it respects the collection of means and instruments, or in the ultimate result. On the contrary, sir, I deem both very feasible. Men may be obtained. For if forty dollars bounty cannot obtain them, an hundred dollars bounty may, and the intention is explicitly avowed not to suffer the attainment of the desired army to be prevented by any vulgar notions of economy. Money may be obtained. What, by means of the increased popularity, derived from the augmentation of the navy, what, by opening subscription offices in the interior of the country, what, by large premiums, the cupidity of the moneyed interest may be tempted beyond the point of patriotic resistance, and all the attained means being diverted to the use of the army, pecuniary resources may be obtained, ample at least for the first year. And, sir, let an army of thirty thousand men be collected, let them be put under the command of a popular leader, let them be officered to suit his purposes, let them be flushed with victories, and see the fascinating career of military glory opening upon them, and they will not thereafter ever be deficient in resources. If they cannot obtain their pay by your votes, they will collect it by their own bayonets; and they will not rigidly observe any air-lines or water-lines in enforcing their necessary levies; nor be stayed by abstract speculations concerning right, or learned Constitutional difficulties.

I desire therefore, that it may be distinctly understood, both by this House and this nation, that it is my unequivocal belief that the invasion of Canada, which is avowed by the Cabinet to be its purpose, is intended by it; that continuance of the war and not peace is its project. Yes, sir, as the French Emperor said concerning ships and colonies, so our Cabinet, the friends of the French Emperor, may say, with respect to Canada and Halifax—"They enter into the scope of its policy."

[Mr. Quincy was here called to order by Mr. Hall, of Georgia, for intimating that the members of the Cabinet were friends to the French Emperor.

Mr. Quincy said, that he understood that the relations of amity did subsist between this country and France, and that in such a state of things, he had a right to speak of the American Cabinet as friends of France, in the same manner as he had now a right to call them the enemies of Great Britain.

The Speaker said, that the relations of amity certainly did subsist between this country and France, and that he did not conceive the gentleman from Massachusetts to be out of order in his expressions. That it was impossible to prevent gentlemen from expressing themselves so as to convey an *inuendo*.]

Mr. Quincy proceeded.—If, Mr. Speaker, the gentleman from Georgia and his political friends would take one thing into consideration, he and they will have no reason to complain, in case the Cabinet be of that immaculate nature he supposes. No Administration, no man, was ever materially injured by any mere "*inuendo*." The strength of satire is the justness of the remark, and the only sting of invective is the truth of the observation.

I will now proceed to discuss those topics which naturally arise out of the bill under consideration, and examine the proposed invasion of Canada, at three different points of view.

1. As a means of carrying on the subsisting war.

2. As a means of obtaining an early and honorable peace.

3. As a means of advancing the personal and

local projects of ambition of the members of the American Cabinet.

Concerning the invasion of Canada, as a means of carrying on the subsisting war, it is my duty to speak plainly and decidedly, not only because I herein express my own opinions upon the subject, but, as I conscientiously believe, the sentiments also of a very great majority of that whole section of country in which I have the happiness to reside. I say then, sir, that I consider the invasion of Canada as a means of carrying on this war, as cruel, wanton, senseless, and wicked.

You will easily understand, Mr. Speaker, by this very statement of opinion, that I am not one of that class of politicians which has for so many years predominated in the world, on both sides of the Atlantic. You will readily believe, that I am not one of those who worship in that temple, where Condorcet is the High Priest and Machiavel the God. With such politicians the end always sanctifies the means; the least possible good to themselves perfectly justifies, according to their creed, the inflicting the greatest possible evil upon others. In the judgment of such men, if a corrupt Ministry at three thousand miles distance shall have done them an injury, it is an ample cause to visit with desolation a peaceable and unoffending race of men, their neighbors, who happen to be associated with that Ministry by ties of mere political dependence. What though these colonies be so remote from the sphere of the questions in controversy, that their ruin or prosperity could have no possible influence upon the result? What though their cities offer no plunder? What though their conquest can yield no glory? In their ruin there is revenge. And revenge to such politicians is the sweetest of all morsels. With such men, neither I nor the people of that section of country in which I reside hold any communion. There is between us and them no one principle of sympathy either in motive or action.

That wise, moral, reflecting people, which constitute the great mass of the population of Massachusetts—indeed, of all New England—look for the sources of their political duties nowhere else than in those fountains from which spring their moral duties. According to their estimate of human life and its obligations, both political and moral duties emanate from the nature of things, and from the essential and eternal relations which subsist among them. True it is, that a state of war gives the right to seize and appropriate the property and territories of an enemy. True it is, that the colonies of a foreign Power are viewed, according to the law of nations, in the light of its property. But in estimating the propriety of carrying desolation into the peaceful abodes of their neighbors, the people of New England will not limit their contemplation to the mere circumstance of abstract right, nor ask what lawyers and jurisprudists have written or said, as if this was conclusive upon the subject. That people are much addicted to think for themselves, and in canvassing the propriety of such an invasion, they will consider the actual condition of those colonies, their natural relations to us, and the effect which their conquest and ruin will have, not only upon the people of those colonies, but upon themselves, and their own liberties and Constitution. And above all, what I know will seem strange to some of those who hear me, they will not forget to apply to a case occurring between nations, as far as is practicable, that heaven-descended rule which the great author and founder of their religion has given them for the regulation of their conduct towards each other. They will consider it the duty of these United States to act towards those colonies as they would wish those colonies to act, in exchange of circumstances, towards these United States.

The actual condition of those colonies, and the relation in which they stood to the United States antecedent to the declaration of war, were of this nature. Those colonies had no connexion with the questions in dispute between us and their parent State. They had done us no injury. They meditated none to us. Between the inhabitants of those colonies and the citizens of the United States, the most friendly and mutually useful intercourse subsisted. The borderers on this, and those on the other side of the St. Lawrence, and of the boundary line, scarcely realized that they were subjects of different Governments. They interchanged expressions and acts of civility. Intermarriages took place among them. The Canadian sometimes settled in the United States; sometimes our citizens emigrated to Canada. After the declaration of war, had they any disposition to assail us? We have the reverse expressly in evidence. They desired nothing so much as to keep perfect the then subsisting relations of amity. Would the conquest of those colonies shake the policy of the British cabinet? No man has shown it. Unqualified assertions, it is true, have been made, but totally unsupported by any evidence, or even the pretence of argument. On the contrary, nothing was more obvious than that an invasion of Canada must strengthen the Ministry of Great Britain, by the excitement and sympathy which would be occasioned in the people of that country in consequence of the sufferings of the innocent inhabitants of those colonies, on account of a dispute in which they had no concern, and of which they had scarcely a knowledge. All this was anticipated—all this was frequently urged to this House, at the last and preceding sessions, as the necessary effect of such a measure. The event has justified those predictions. The late elections in Great Britain have terminated in the complete triumph of the friends of the British Ministry. In effecting this change, the conduct of the United States in relation to Canada has had, undeniably, a mighty influence, by the disgust and indignation felt by the British people at a step so apparently wanton and cruel.

As there was no direct advantage to be hoped from the conquest of Canada, so also, there was none incidental. Plunder there was none—at least, none which would pay the cost of the conquest. Glory there was none. Could seven millions of people obtain glory by precipitating themselves upon half a million, and trampling

them into the dust? A giant obtain glory by crushing a pigmy! That giant must have a pigmy's spirit who could reap, or hope, glory from such an achievement.

Surely a people, with whom we were connected by so many natural and adventitious ties, had some claims upon our humanity. Surely if our duty required that they and theirs should be sacrificed to our interests or our passions, some regret mingled in the execution of our purpose. We postponed the decree of ruin until the last moment. We hesitated—we delayed until longer delay was dangerous. Alas! sir, there was nothing of this kind or character in the conduct of the Cabinet. The war had not yet been declared, when General Hull had his instructions to put in train the work of destruction. There was an eagerness for the blood of the Canadians—a headlong precipitation for their ruin, which indicated anything else rather than feelings of humanity, or visitings of nature, on account of their condition. Our armies were on their march for their frontier, while yet peace existed between this country and the parent State; and the invasion was obstinately pursued, after a knowledge that the chief ground of controversy was settled, by the abandonment of the British Orders in Council; and after nothing remained but a stale ground of dispute, which, however important in itself, was of a nature for which no man has ever yet pretended that for it alone war would have been declared. Did ever one Government exhibit towards any people a more bloody and relentless spirit of rancour? Tell me not of petty advantages—of remote, and, possibly, useful contingencies which might arise from the devastation of those Colonies. Show any advantage which justifies that dreadful vial of wrath which, if the intention of the American Cabinet had been fulfilled, would, at this day, have been poured out upon the heads of the Canadians. It is not owing to the tender mercies of the American Administration, if the bones of the Canadians are not at this hour mingled with the ashes of their habitations. It is easy enough to make an excuse for any purpose. When a victim is destined to be immolated, every hedge presents sticks for the sacrifice. The lamb who stands at the mouth of the stream, will always trouble the water, if you take the account of the wolf who stands at the source of it. But show a good to us bearing any proportion to the multiplied evils proposed to be visited upon them. There is none. Never was there an invasion of any country worse than this, in point of moral principle, since the invasion of the West Indies by the Buccaneers, or that of the United States by Captain Kidd. Indeed, both Kidd and the Buccaneers had more apology for their deed than the American Cabinet. They had at least the hope of plunder; but in this case there is not even the poor refuge of cupidity. We have heard great lamentations about the disgrace of our arms on the frontier. Why, sir, the disgrace of our arms on the frontier is terrestrial glory, in comparison with the disgrace of the attempt. The whole atmosphere rings with the utterance, from the other side of the House, of this word "glory"—"glory" in connexion with this invasion. What glory? Is it the glory of the tiger which lifts his jaws, all foul and bloody, from the bowels of his victim, and roars for his companions of the wood to come and witness his prowess and his spoils? Such is the glory of Ginghis Khan, and of Bonaparte. Be such glory far, very far, from my country. Never, never may it be accursed with such fame.

"Fame is no plant that grows on mortal soil,
Nor in the glistering foil
Set off to the world, nor in broad rumor lies,
But lives and spreads aloft, by those pure eyes,
And perfect witness of all-judging Jove,
As he pronounces lastly on each deed."

May such fame as this be my country's meed!

But the wise and thoughtful people of our Northern section will confine their reflections to the duties which result from the actual condition of those Colonies, and their general relations to the United States; they will weigh the duties the people of the United States owe to themselves, and contemplate the effect which the subjugation of those Canadians will have upon our own liberties and Constitution. Sir, it requires but little experience in the nature of the human character, and but a very limited acquaintance with the history of man, to be satisfied that with the conquest of the Canadas, the liberties and Constitution of this country perish.

Of all nations in the world, this nation is the last which ought to admit, among its purposes, the design of foreign conquests. States such as are these, connected by ties so peculiar; into whose combination there enters necessarily numerous jealousies and fears; whose interests are not always reconcileable; and the passions, education, and character of whose people, on many accounts, are repugnant to each other; with a Constitution made merely for defence; it is impossible that an association of independent Sovereignties, standing in such relations to each other, should not have the principles of its union, and the hopes of its Constitution, materially affected by the collection of a large military force, and its employment in the subjugation of neighboring territories. It is easy to see that an army collected in such a state of society as that which exists in this country, where wages are high and subsistence easily to be obtained, must be composed, so far as respects the soldiery, for the most part of the refuse of the country; and as respects the officers, with some honorable exceptions indeed, must consist, in a considerable degree, of men desperate sometimes in fortune, at others in reputation; "choice spirits;" men "tired of the dull pursuits of civil life," who have not virtue or talents to rise in a calm and settled state of things, and who, all other means of advancement or support wanting or failing, take to the sword. A body of thirty or fifty thousand such men, combined, armed, and under a popular leader, is a very formidable force. They want only discipline and service to make them veterans. Opportunity to

acquire these, Canada will afford. The army which advances to the walls of Quebec, in the present condition of Canadan preparation, must be veteran. And a veteran army, under a popular leader, flushed with victory, each individual realizing, that while the body remains combined, he may be something, and posssibly very great; that if dissolved, he sinks into insignificance; will not be disbanded by vote. They will consult with one another, and with their beloved chieftain, upon this subject; and not trouble themselves about the advice of the old people who are knitting and weaving in the chimney corners at Washington. Let the American people receive this as an undoubted truth, which experienee will verify. Whoever plants the American standard on the walls of Quebec, conquers it for himself, and not for the people of the United States. Whoever lives to see that event—may my head be low in the dust before it happen!—will witness a dynasty established in that country by the sword. He will see a King or an Emperor, dukedoms and earldoms, and baronies, distributed to the officers, and knights' fees bestowed on the soldiery. Such an army will not trouble itself about geographical lines, in portioning out the divisions of its new empire; and will run the parallels of its power by other steel than that of the compass. When that event happens, the people of New England, if they mean to be free, must have a force equal to defend themselves against such an army. And a military force equal to this object will itself be able to enslave the country.

Mr. Speaker—When I contemplate the character and consequences of this invasion of Canada; when I reflect upon its criminality and its danger to the peace and liberty of this once happy country; I thank the great Author and Source of all virtue, that through His grace that section of country in which I have the happiness to reside, is, in so great a degree, free from the iniquity of this transgression. I speak it with pride, the people of that section have done what they could to vindicate themselves and their children from the burden of this sin. That whole section has risen, almost as one man, for the purpose of driving from power, by one great Constitutional effort, the guilty authors of this war. If they have failed, it has not been through the want of will or of exertion, but in consequence of the weakness of their political power. When in the usual course of Divine Providence, who punishes nations as well as individuals, His destroying angel shall on this account pass over this country—and sooner or later, pass it will—I may be permitted to hope that over New England his hand will be stayed. Our souls are not steeped in the blood which has been shed in this war. The spirits of the unhappy men who have been sent to an untimely audit, have borne to the bar of divine justice no accusations against us.

This opinion, concerning the principles of this invasion of Canada, is not peculiar to me. Multitudes who approve the war, detest it. I believe this sentiment is entertained, without distinction of parties, by almost all the moral sense, and nine-tenths of the intelligence, of the whole northern section of the United States. I know that men from that quarter of the country will tell you differently. Stories of a very different kind are brought by all those who come trooping to Washington for place, appointments, and emoluments; men who will say anything to please the ear, or do anything to please the eye of Majesty, for the sake of those fat contracts and gifts which it scatters; men whose fathers, brothers, and cousins, are provided for by the Departments; whose full-grown children are at suck at the money-distilling breasts of the Treasury; the little men who sigh after great offices; those who have judgeships in hand or judgeships in promise; toads that live upon the vapor of the palace that swallow great men's spittle at the levees; that stare and wonder at all the fine sights which they see there; and most of all wonder at themselves—how they got there to see them. These men will tell you, that New England applauds this invasion.

But, Mr. Speaker, look at the elections. What is the language they speak? The present tenant of the Chief Magistracy rejected, by that whole section of country, with the exception of a single State, unanimously. And for whom? In favor of a man, out of the circle of his own State, without much influence, and personally almost unknown. In favor of a man against whom the prevailing influence in New England had previously strong political prejudices; and with whom, at the time of giving him their support, they had no political understanding; in favor of a man whose merits, whatever in other respects they might be, were brought into notice, in the first instance, chiefly so far as that election was concerned, by their opinion of the utter want of merit of the man whose re-election they opposed.

Among the causes of that universal disgust which pervaded all New England, at the Administration and its supporters, was the general dislike and contempt of this invasion of Canada. I have taken some pains to learn the sentiments which prevail on this subject in New England, and particularly among its yeomanry, the pride and the hope of that country. I have conversed with men, resting on their spades and leaning on the handles of their ploughs, while they relaxed for a moment from the labor by which they support their families, and which gives such a hardihood and character to their virtues. They asked—"What do we want of Canada? We 'have land enough. Do we want plunder? 'There is not enough of that to pay the cost of get-'ting it. Are our Ocean rights there? Or is it 'there our seamen are held in captivity? Are 'new States desired? We have plenty of those 'already. Are they to be held as conquered ter-'ritories? This will require an army there. 'Then, to be safe, we must have an army here. 'And with a standing army, what security for 'our liberties?"

These are no fictitious reasonings. They are the suggestions I doubt not of thousands and tens of thousands of our hardy New England yeo-

manry; men who, when their country calls, at any wise and real exigency, will start from their native soils and throw their shields over their liberties, like the soldiers of Cadmus, "armed in complete steel;" yet men, who have heard the winding of your horn to the Canada campaign, with the same apathy and indifference with which they would hear in the streets the trilling of a jews-harp, or the twirring of a banjo.

The plain truth is, that the people of New England have no desire for Canada. Their moral sentiment does not justify, and they will not countenance its invasion. I have thus stated the grounds on which they deem, and I have felt myself bound to maintain, that this contemplated invasion of that territory is, as it respects the Canadians, wanton and cruel; because it inflicts the greatest imaginable evils on them, without any imaginable benefit to us; that, as it respects the United States, such an invasian is senseless, because, ultimately, ruinous to our own political safety; and wicked, because it is an abuse of the blessings of Divine Providence, and a manifest perversion of His multiplied bounties, to the purpose of desolating an innocent and unoffending people.

I shall now proceed to the next view I proposed to take on this project of invading Canada, and consider it in the light of a means to obtain an early and honorable peace. It is said, and this is the whole argument in favor of this invasion, in this aspect, that the only way to negotiate successfully with Great Britain, is to appeal to her fears and raise her terrors for the fate of her colonies. I shall here say nothing concerning the difficulties of executing this scheme; nor about the possibility of a deficiency both in men and money. I will not dwell on the disgust of all New England, nor on the influence of this disgust with respect to your efforts. I will admit, for the present, that an army may be raised, and that during the first years it may be supported by loans, and that afterwards it will support itself by bayonets. I will admit farther, for the sake of argument, that success is possible and that Great Britain realizes the practicability of it. Now, all this being admitted, I maintain that the surest of all possible ways to defeat any hope from negotiation, is the threat of such an invasion, and an active preparation to execute it. Those must be very young politicians, their pin-feathers not yet grown, and however they may flutter on this floor, they are not yet fledged for any high or distant flight, who think that threats and appealing to fear are the ways of producing a disposition to negotiate in Great Britain, or in any other nation which understands what it owes to its own safety and honor. No nation can yield to threat, what it might yield to a sense of interest; because, in that case, it has no credit for what it grants, and what is more, loses something in point of reputation, from the imbecility which concessions made under such circumstances indicate. Of all nations in the world, Great Britain is the last to yield to considerations of fear and terror. The whole history of the British nation is one tissue of facts, tending to show the spirit with which she meets all attempts to bully and brow-beat her into measures inconsistent with her interests or her policy. No nation ever before made such sacrifices of the present to the future. No nation ever built her greatness more systematically, on the principles of a haughty self-respect, which yields nothing to suggestions of danger, and which never permits either her ability or inclination to maintain her rights to be suspected. In all negotiations, therefore, with that Power, it may be taken as a certain truth, that your chance of failure is just in proportion to the publicity and obtrusiveness of threats and appeals to fear.

The American Cabinet understands all this very well, although this House may not. Their policy is founded upon it. The project of this bill is to put at a still further distance the chance of amicable arrangement, in consequence of the dispositions which the threat of invasion of their colonies, and attempt to execute it, will excite in the British nation and Ministry. I have some claim to speak concerning the policy of the men who constitute the American Cabinet. For eight years I have studied their history, characters, and interests. I know no reason why I should judge them severely, except such as arise from those inevitable conclusions, which avowed principles and distinct conduct have impressed upon the mind. I say, then, sir, without hesitation, that in my judgment, the embarrassments of our relations with Great Britain, and keeping alive between this country and that a root of bitterness, has been, is, and will continue to be, a main principle of the policy of this American Cabinet. They want not a solid settlement of our differences. If the nation will support them in it, they will persevere in the present war. If it will not, some general arrangements will be the resort, which will leave open opportunities for discord; which on proper occasions will be improved by them. I shall give my reasons for this opinion. I wish no sentiments of mine to have influence any farther than the reasons upon which they are founded justify. They are public reasons, arising from undeniable facts; the nation will judge for itself.

The men who now, and who, for these twelve years past, have, to the misfortune of this country, guided its councils and directed its destinies, came into power on a tide, which was raised and supported by elements constituted of British prejudices and British antipathies. The parties which grew up in this nation took their origin and form at the time of the adoption of the treaty negotiated by Mr. Jay, in 1794. The opposition of that day, of which the men now in power were the leaders, availed themselves, very dexterously, of the relics of that hatred towards the British name which remained after the Revolutionary war. By perpetually blowing up the embers of the ancient passions, they excited a flame in the nation; and by systematically directing it against the honorable men who at that time conducted its affairs, the strength and influence of those men were impaired. The embarrassments with France, which

succeeded, in 1798 and 1799, were turned to the same account. Unfortunately, those who then conducted the public affairs attended less to the appearance of things, than to their measures; and considered more what was due to their country than was prudent, in the state of the prejudices and jealousies of the people, thus artfully excited against them. They went on, in the course they deemed right, regardless of personal consequences, and blind to the evidences of discontent which surrounded them. The consequences are well known. The supreme power in these United States passed into the hands which now possess it; in which it has been continued down to the present time. The transfer of power was effected, undeniably, principally on the very ground of those prejudices and antipathies which existed in the nation against Great Britain; and which had been artfully fomented by the men now in power, and their adherents, and directed against their predecessors. These prejudices and passions constitute the main pillar of the power of these men. In my opinion, they never will permit it to be wholly taken away from them. They never will permit the people of this country to look at them and their political opponents, free of that jaundice with which they have carefully imbued the vision of their own partisans. They never will consent to be weighed in a balance of mere merits; but will always take care to keep in reserve some portion of these British antipathies, to throw as a make-weight into the opposite scale, whenever they find their own sinking. To continue, multiply, strengthen, and extend these props of their power, has been, still is, the object of the daily study and the nightly vigils of our American Cabinet. For this the British Treaty was permitted to expire by its own limitation; notwithstanding the state of things which the Treaty of Amiens had produced in Europe was so little like permanent peace, that the occurrence of the fact, on which the force of that limitation depended, might easily have been questioned, with but little violence to the terms, and in perfect conformity with its spirit. For this a renewal of the Treaty of 1794 was refused by our Cabinet, although proffered by the British Government. For this the treaty negotiated by Messrs. Monroe and Pinkney in 1807 was rejected. For this, in 1811, fifty thousand dollars were paid out of the public Treasury to John Henry, for the obvious purpose of enabling the American Cabinet to calumniate their political opponents, on this very point of British influence, upon the eve of elections, occurring in Massachusetts, on the event of which the perpetuation of their own power was materially dependent.

Mr. Speaker, such men as these never will permit a state of things to pass away, so essential to their influence. Be it peace or war, arrangement or hostility, the association of these British antipathies in the minds of the mass of the community, with the characters of their political opponents, constitutes the great magazine of their power. This composes their whole political larder. It is, like Lord Peter's brown loaf, their "beef, mutton, veal, venison, partridge, plum-pudding, and custard."

From the time of the expiration of the British Treaty of 1794, and the refusal to renew it, the American Cabinet have been careful to precede negotiation with some circumstance or other, calculated to make it fail, or at least to make a successful result less certain. Thus in 1806, when, from the plunder of commerce, by British cruisers, a negotiation, notwithstanding the obvious reluctance of the Cabinet was forced upon them, by the clamors of the merchants, the non-importation law of April, in that year, was obtruded between the two countries. In the course of the debate upon that law, it was opposed upon this very ground, that it was an obstacle to a successful negotiation. It was advocated, like the bill now under discussion, as an aid to successful negotiation. It was also said, by the opponents of the law of 1806, that Great Britain would not negotiate under its operation, and that arrangement, attempted under proper auspices, could not be difficult, from the known interests and inclinations of that nation. What was the consequence? Precisely that which was anticipated. The then President of the United States was necessitated to come to this House, and recommend a suspension of the operation of that law, upon the openly avowed ground of its being expedient to give that evidence of a conciliatory disposition; really, because, if permitted to continue in operation, negotiation was found to be impracticable. After the suspension of that law, a treaty was formed. The merits of that treaty, it is not within the scope of my present argument to discuss. It is sufficient to say, it was deemed good enough to receive the sanction of Messrs. Monroe and Pinkney. It arrived in America, and was rejected by the authority of a single individual; apparently because of the insufficiency of the arrangement about impressment. Really, because a settlement with Great Britain, at that time, did not "enter into the scope of the policy" of the American Cabinet. The negotiation was indeed renewed, but it was followed up with the enforcement of the non-importation law, and the enactment of the embargo. Both which steps were stated at the time, as they proved afterwards, to be of a nature to make hopeless successful negotiation.

In this state the Executive power of this nation formally passed into new hands, but substantially remained under the old principles of action, and subject to the former influences. It was desirable that a fund of popularity should be acquired for the new Administration. Accordingly an arrangement was made with Mr. Erskine, and no questions asked, concerning the adequacy of his powers. But, lest this circumstance should not defeat the proposed arrangement, a clause was inserted in the correspondence containing an insult to the British Government, offered in the face of the world, such as no man ever gave to a private individual whom he did not mean to offend. The President of the United States said, in so many words, to the person at the head of that Govern-

ment, that he did not understand what belonged to his own honor, as well as it was understood by the President himself. The effect of such language was natural, it was necessary; it could not but render the British Government averse to sanction Mr. Erskine's arrangement. The effect was anticipated by Mr. Robert Smith, then acting as Secretary of State. He objected to its being inserted, but it was done in the President's own handwriting. As Mr. Erskine's authority was denied by the British Government, it is well known that, in fact, on the point of this indignity, the fate of that arrangement turned. Can any one doubt that our Cabinet meant that it should have this effect? I send you word, Mr. Speaker, that I have agreed with your messenger, and wish you to ratify it. I think you, however, no gentleman, notwithstanding; and that you do not understand, as well as I, what is "due to your own honor." What think you, sir? Would you ratify such an arrangement, if you could help it? Does a proffer of settlement, connected with such language, look like a disposition or an intention to conciliate? I appeal to the common sense of mankind on the point.

The whole state of the relations, induced between this country and Great Britain, in consequence of our embargo and restrictive systems, was, in fact, a standing appeal to the fears of the British Cabinet. For, notwithstanding those systems were equal in their terms, so far as they affected foreign Powers, yet their operation was notoriously almost wholly upon Great Britain. To yield to that pressure, or to anything which should foster, in this country, the idea that it was an effectual weapon of hostility, was nothing more than conceding that she was dependent upon us. A concession, which, when once made by her, was certain to encourage a resort to it by us on every occasion of difficulty between the two nations. Reasoning, therefore, upon the known nature of things, and the plain interests of Great Britain, it was foretold that, during its continuance, she would concede nothing. And the event has justified these predictions. But, the circumstance the most striking, and that furnishing the most conclusive evidence of the indisposition of the American Cabinet to peace, and their determination to carry on the war, is that connected with the pretended repeal of the French decrees, in November, 1810, and the consequent revival, in 1811, of our restrictive system against Great Britain.

If ever a body of men were pledged to anything, the American Cabinet, its friends, and supporters, were pledged for the truth of this fact: that the French decrees of Berlin and Milan were definitively repealed as it respects the United States, on the 1st of November, 1810. If ever any body of men staked their whole stock of reputation upon any point, our Cabinet did it on this. They and their partisans asserted and raved. They denounced every man as a British partisan who denied it. They declared the restrictive system was revived by the mere effect of the proclamation. But, lest the courts of law should not be as subservient to their policy as might be wished, they passed the law of the 2d of March, 1811, upon the basis of this repeal, and of its being definitive. The British Government refused, however, to recognise the validity of this repeal, and denied that the Berlin and Milan decrees were repealed, on the 1st of November, 1810, as our Cabinet asserted. Thus, then, stood the argument between the British Ministry and our Cabinet. The British Ministry admitted, that if the Berlin and Milan decrees were repealed, on the 1st of November, 1810, they were bound to revoke their Orders in Council. But they denied that repeal to exist. Our Cabinet, on the other hand, admitted, that if the Berlin and Milan decrees were not repealed, on the 1st of November, 1810, the restrictive system ought not to have been revived against Great Britain. But they asserted that repeal to exist. This was, virtually, the state of the question between the two countries on this point. And it is agreed, on all hands, that this refusal of the British Government, to repeal their Orders in Council, after the existence of the repeal of the Berlin and Milan decrees, as asserted by the American Cabinet, was the cause of the declaration of war between the two countries. So that, in truth, the question of the right of war depended upon the existence of that fact; for if that fact did not exist, even the American Cabinet did not pretend that, in the position in which things then stood, they had a right to declare war, on account of the continuance of the British Orders in Council.

Now, what is the truth in relation to this all-important fact, the definitive repeal of the Berlin and Milan decrees on the 1st of November, 1810; the pivot upon which turned the revival of the restrictive system and our declaration of war? Why, sir, the event has proved that in relation to that fact the American Cabinet was, to say the least, in an error. Bonaparte himself, in a decree, dated the 28th of April, 1811, but not promulgated till a year afterwards, distinctly declares that the Berlin and Milan decrees were not definitively repealed, as relates to the United States, on the 1st of November, 1810. He also declares that they are then, on that 28th of April, for the first time, repealed. And he founds the issuing of this decree on the act of the American Congress of the 2d of March, 1811. That very act, which was passed upon the ground of the definitive repeal of the Berlin and Milan decrees, on the 1st of November, 1810; and which, it is agreed on all sides, the American Government were bound in honor not to pass, except in case of such antecedent repeal.

Were ever a body of men so abandoned, in the hour of need, as the American Cabinet, in this instance, by Bonaparte? Was ever any body of men so cruelly wounded in the house of their friend? This, this "was the unkindest cut of all." But how was it received by the American Cabinet? Surely they were indignant at this treatment. Surely the air rings with reproaches upon a man who has thus made them stake their reputation upon a falsehood; and then gives lit-

tle less than the lie direct, to their assertions. No, sir, nothing of all this is heard from our Cabinet. There is a philosophic tameness that would be remarkable, if it were not, in all cases, affecting Bonaparte, characteristic. All the Executive of the United States has found it in his heart to say, in relation to this last decree of Bonaparte, which contradicts his previous allegations and asseverations, is, that "This proceeding is rendered, by the time and manner of it, liable to many objections!"

I have referred to this subject as being connected, with future conduct, strikingly illustrative of the disposition of the American Cabinet to carry on the war, and of their intention, if possible, not to make peace. Surely, if any nation had a claim for liberal treatment from another, it was the British nation from the American, after the discovery of the error of the American Government, in relation to the repeal of the Berlin and Milan decrees, in November, 1810. In consequence of that error, the American Cabinet had ruined numbers of our own citizens, who had been caught by the revival of the non-intercourse law; they had revived that law against Great Britain, under circumstances, which now appeared to have been fallacious; and they had declared war against her, on the supposition, that she had refused to repeal her Orders in Council, after the French decrees were in fact revoked; whereas, it now appears that they were in fact not revoked. Surely the knowledge of this error was followed by an instant and anxious desire to redress the resulting injury. As the British Orders in Council were in fact revoked, on the knowledge of the existence of the French decree of repeal, surely the American Cabinet at once extended the hand of friendship; met the British Government half way; stopped all further irritation; and strove to place everything on a basis best suited to promote an amicable adjustment. No, sir, nothing of all this occurred. On the contrary, the question of impressments is made the basis of continuing the war. On this subject, a studied fairness of proposition is preserved, accompanied with systematic perseverance in measures of hostility. An armistice was proposed by them. It was refused by us. It was acceded to by the American General on the frontiers. It was rejected by the Cabinet. No consideration of the false allegation on which the war in fact was founded; no consideration of the critical and extremely consequential nature to both nations of the subject of impressment; no considerations of humanity, interposed their influence. They renewed hostilities. They rushed upon Canada. Nothing would satisfy them but blood. The language of their conduct is that of the giant, in the legends of infancy:

> "Fee, faw, fow, fum,
> I smell the blood of an Englishman;
> Dead or alive, I will have some!"

Can such men pretend that peace is their object? Whatever may result, the perfect conviction of my mind is, that they have no such intention, and that if it comes it is contrary both to their hope and expectation.

I would not judge these men severely. But it is my duty to endeavor to judge them truly; and to express fearlessly the result of that judgment, whatever it may be. My opinion results from the application of the well known principle of judging concerning men's purposes and motives: To consider rather what men do, than what they say; and to examine their deeds in connexion with predominating passions and interests; and on this basis decide. In making an estimate of the intentions of these or any other politicians, I make little or no account of pacific pretensions. There is a general reluctance at war, and desire of peace, which pervades the great mass of every people; and artful rulers could never keep any nation at war any length of time, beyond their true interests, without some sacrifice to that general love of peace which exists in civilized men. Bonaparte himself will tell you that he is the most pacific creature in the world. He has already declared, by his proclamation to Frenchmen, that he has gone to Moscow for no other end than to cultivate peace, and counteract the Emperor of Russia's desire of war. In this country, where the popular sentiment has so strong an impulse on its affairs, the same obtrusive pretension must inevitably be preserved. No man or set of men ever can or will get this country at war, or continue it long in war, without keeping on hand a stout, round stock of gulling matter. Fair propositions will always be made to go hand in hand with offensive acts. And when something is offered so reasonable that no man can doubt but it will be accepted, at the same moment something will be done of a nature to embarrass the project, and if not to defeat at least to render its acceptance dubious. How this has been in past time, I have shown. I will now illustrate what is doing and intended at present.

As from the uniform tenor of the conduct of the American Cabinet, in relation to the British Government, I have no belief that their intention has been to make a solid arrangement with that nation; so, from the evidence of their disposition and intention, existing abroad and on the table, I have no belief that such is at present their purpose. I cannot possibly think otherwise, than that such is not their intention. Let us take the case into common life. I have demands, Mr. Speaker, against you, very just in their nature, but different. Some of recent, others of very old date. The former depending upon principles very clearly in my favor. The latter critical, difficult, and dubious, both in principle and settlement. In this state of things, and during your absence, I watch my opportunity, declare enmity; throw myself upon your children and servants and property, which happen to be in my neighborhood, and do them all the injury I can. While I am doing this, I receive a messenger from you, stating that the grounds of the recent injury are settled; that you comply fully with my terms. Your servants and children, whom I am plundering and killing, invite me to stay my

hand until you return, or until some accommodation can take place between us. But, deaf to any such suggestions, I prosecute my intention of injury to the utmost. When there is reason to expect your return, I multiply my means of injury and offence. And no sooner do I hear of your arrival, than I thrust my fist into your face, and say to you—"Well, sir, here are fair propositions of settlement; come to my terms, which are very just; settle the old demand in my way, and we will be as good friends as ever." Mr. Speaker, what would be your conduct on such an occasion? Would you be apt to look as much at the nature of the propositions, as at the temper of the assailant? If you did not at once return blow for blow, and injury for injury, would you not at least take a little time to consider? Would you not tell such an assailant, that you were not to be bullied nor beaten into any concession? If you settled at all, might you not consider it your duty in some way to make him feel the consequences of his strange intemperance of passion? For myself, I have no question how a man of spirit ought to act under such circumstances. I have as little, how a great nation, like Great Britain, will act. Now, I have no doubt, sir, that the American Cabinet view this subject in the same light. They understand well, that by the declaration of war, the invasion of Canada, the refusal of an armistice, and perseverance in hostilities, after the principal ground of war had been removed, they have wrought the minds of the British Cabinet and people to a very high state of irritation. Now is the very moment to get up some grand scheme of pacification; such as may persuade the American people of the inveterate love of our Cabinet for peace, and make them acquiescent in their perseverance in hostilities. Accordingly, before the end of the session, a great tub will be thrown out to the whale. Probably, a little while before the Spring elections, terms of very fair import will be proffered to Great Britain. Such as, perhaps, six months ago our Cabinet would not have granted, had she solicited them on her knees. Such as probably, in the opinion of the people of this country, Great Britain ought to accept; such perhaps as in any other state of things, she would have accepted. But such, as I fear, under the irritation produced by the strange course pursued by the American Cabinet, that nation will not accept. Sir, I do not believe that our Cabinet expect that they will be accepted. They think the present state of induced passion is sufficient to prevent arrangement. But to make assurance doubly sure, to take a bond of fate, that arrangement shall not happen, they prepare this bill. A bill, which proposes an augmentation of the army for the express purpose of conquering the Canadas. A bill which, connected with the recent disposition evinced by our Cabinet, in relation to those provinces, and with the avowed intent of making their subjugation the means of peace, through the fear to be inspired into Great Britain, is as offensive to the pride of that nation as can well be imagined; and is, in my apprehension, as sure a guarantee of continued war as could be given. On these grounds, my mind cannot force itself to any other conclusion than this, that the avowed object of this bill is the true one; that the Canadas are to be invaded the next season; that the war is to be protracted; and that this is the real policy of the American Cabinet.

I will now reply to those invitations to "union," which have been so obtrusively urged upon us. If by this call to union is meant an union in a project for the invasion of Canada, or for the invasion of East Florida, or for the conquest of any foreign country whatever, either as a means of carrying on this war or for any other purpose, I answer, distinctly, I will unite with no man nor any body of men for any such purposes. I think such projects criminal in the highest degree, and ruinous to the prosperity of these States. But, if by this invitation is meant union in preparation for defence, strictly so called; union in fortifying our seaboard; union in putting our cities into a state of safety; union in raising such a military force as shall be sufficient with the local militia in the hands of the Constitutional leaders, the Executives of the States, to give a rational degree of security against any invasion; sufficient to defend our frontiers, sufficient to awe into silence the Indian tribes within our Territories; union in creating such a maritime force as shall command the seas on the American coasts, and keep open the intercourse, at least between the States: if this is meant, I have no hesitation; union on such principles you shall have from me cordially and faithfully. And this, too, sir, without any reference to the state of my opinion, in relation to the justice or necessity of this war. Because I well understand such to be the condition of man, in a social compact, that he must partake of the fate of the society to which he belongs, and must submit to the privations and sacrifices its defence requires, notwithstanding these may be the result of the vices or crimes of its immediate rulers. But there is a great difference between supporting such rulers in plans of necessary self-defence, on which the safety of our altars and firesides especially depend, and supporting them in projects of foreign invasion, and encouraging them in schemes of conquest and ambition, which are not only unjust in themselves, but dreadful in their consequences; inasmuch as, let the particular project result as it may, the general effect must be, according to human view, destructive to our own domestic liberties and Constitution. I speak as an individual. Sir, for my single self, did I support such projects, as are avowed to be the objects of this bill, I should deem myself a traitor to my country. Were I even to aid them by loan, or in any other way, I should consider myself a partaker in the guilt of the purpose. But when these projects of an invasion shall be abandoned; when men yield up schemes which not only openly contemplate the raising of a great military force, but also the concentrating them at one point and placing them in one hand; schemes obviously ruinous to the fates of a free Republic—as they comprehend the means by which such have ever hereto-

fore been destroyed; when, I say, such schemes shall be abandoned, and the wishes of the Cabinet limited to mere defence and frontier and maritime protection, there will be no need of calls to union. For such objects there is not, there cannot be, but one heart and soul in this people.

I know, Mr. Speaker, that while I utter these things a thousand tongues and a thousand pens are preparing without doors to overwhelm me if possible by their pestiferous gall. Already I hear in the air the sound of "traitor," "British agent," "British gold," and all those changes of vulgar calumny, by which the imaginations of the mass of men are affected, and by which they are prevented from listening to what is true and receiving what is reasonabe.

Mr. Speaker, it well becomes any man, standing in the presence of such a nation as this, to speak of himself seldom; and such a man as I am, it becomes to speak of himself not at all; except indeed when the relations in which he stands to his country are little known, and when the assertion of those relations has some connexion, and may have some influence on interests which it is peculiarly incumbent upon him to support.

Under this sanction, I say, it is not for a man whose ancestors have been planted in this country now for almost two centuries; it is not for a man who has a family, and friends, and character, and children, and a deep stake in the soil; it is not for a man who is self-conscious of being rooted in that soil, as deeply and as exclusively as the oak which shoots among its rocks; it is not for such a man to hesitate or swerve a hair's breadth from his country's purpose and true interests, because of the yelpings, the howlings, and snarlings of that hungry pack which corrupt men keep directly or indirectly in pay, with the view of hunting down every man who dare develope their purposes; a pack composed it is true of some native curs, but for the most part of hounds and spaniels of very recent importation, whose backs are seared by the lash, and whose necks are sore with the collars of their former masters. In fulfilling his duty, the lover of his country must often be obliged to breast the shock of calumny. If called to that service he will meet the exigency with the same firmness, as, should another occasion call, he would breast the shock of battle. No, sir, I am not to be deterred by such apprehensions. May Heaven so deal with me and mine, as I am true or faithless to the best interests of this people! May it deal with me according to its just judgments when I fail to bring men and measures to the bar of public opinion, and to expose projects and systems of policy which I realize to be ruinous to the peace, prosperity, and liberties of my country!

This leads me, naturally, to the third and last point of view, at which I proposed to consider this bill—as a means for the advancement of the objects of the personal or local ambition of the members of the American Cabinet. With respect to the members of that Cabinet, I may almost literally say, I know nothing of them except as public men. Against them, I have no personal animosity. I know little of them in private life, and that little never made me ambitious to know more. I look at them as public men, wielding powers and putting in operation means and instruments, materially affecting the interests and prospects of the United States.

It is a curious fact, but no less true than curious, that for these twelve years past the whole affairs of this country have been managed, and its fortunes reversed, under the influence of a Cabinet little less than despotic, composed, to all efficient purposes, of two Virginians and a foreigner. When I speak of these men as Virginians, I mean to cast no odium upon that State, as though it were not entitled to its full share of influence in the national councils; nor when I refer to one of them as being a foreigner, do I intend thereby to suggest any connexions of a nature unworthy or suspicious. I refer to these circumstances as general and undoubted facts which belong to the characters of the Cabinet, and which cannot fail to be taken into view in all estimates of plans and projects, so long as man is constituted as he is, and so long as the prejudices and principles of childhood never fail to influence in different degrees, in even the best men, the course of thinking and action of their riper years.

I might have said, perhaps with more strict propriety, that it was a Cabinet composed of three Virginians and a foreigner; because once in the course of the twelve years there has been a change of one of the characters. But, sir, that change was notoriously matter of form rather than substance. As it respects the Cabinet, the principles continued the same; the interests the same; the objects at which it aimed, the same.

I said that this Cabinet had been during these twelve years little less than despotic. This fact also is notorious. During this whole period the measures distinctly recommended have been adopted by the two Houses of Congress, with as much uniformity and with as little modification, too, as the measures of the British Ministry have been adopted during the same period by the British Parliament. The connexion between Cabinet Councils and Parliamentary acts is just as intimate in the one country as in the other.

I said that these three men constituted, to all efficient purposes, the whole Cabinet. This also is notorious. It is true that during this period other individuals have been called into the Cabinet. But they were all of them comparatively minor men, such as had no great weight, either of personal talents or of personal influence, to support them. They were kept as instruments of the master spirits. And when they failed to answer the purpose, or became restive, they were sacrificed or provided for. The shades were made to play upon the curtain. They entered. They bowed to the audience. They did what they were bidden. They said what was set down for them. When those who pulled the wires saw fit, they passed away. No man knew why they entered. No man knew why they departed. No man could tell whence they came. No man asked whither they were gone.

From this uniform composition of the Cabinet, it is obvious that the project of the master spirits was that of essential influence within the Cabinet. For, in such a country as ours, so extended, and its interests so complicated, it is impossible but those who would conduct its affairs wisely, and with a single eye to the public good, should strive to call around themselves the highest and most independent talents in the nation, at least of their own political friends. When this is not the case, it must be apparent that the leading influences want not associates, but instruments. The same principle applies to the distribution of office out of the Cabinet, as to filling places within it. Some mistakes may be expected to happen in selections among candidates for appointments at a distance; but if, at any time, a Cabinet shall be systematically guided in such selection by a regard not to merit or qualifications, but to electioneering services; if the obvious design be to reward partisans and encourage defection to its party standard, then the people may rest assured that the project such Cabinet has in view is not to serve the public interest, but to secure their personal influence; and that they want not competency for the employment, but subserviency in it. How this matter is, I shall not assert; not because I have not very distinct opinions upon the subject, but because the sphere of appointment is too extensive to be comprehended in the grasp of a single individual; and I mean to make no assertion concerning motive or conduct, of which there does not exist in my mind evidence as well complete as conclusive. I refer to this subject, therefore, only as a collateral and corroborative proof of the purposes of the Cabinet. Every man can decide for himself, in his own circle or neighborhood, concerning the apparent principle upon which the Cabinet have proceeded in making appointments; remembering, always, the section of country against whose prosperity the policy of the Cabinet is most systematically levelled, will be that in which subserviency to all its purposes will be most studiously inculcated among its adherents; it will be in that quarter that the flames of party animosity will be enkindled with the most sedulous assiduity; as a means of making men forgetful of their true interests and obedient to their employers, in spite of their natural prejudices and inclinations.

It is natural to inquire what are the projects connected with a Cabinet, thus composed, and to what ends it is advancing? To answer this question, it is necessary to look into the nature and relations of things. Here the true criterions of judgment are to be found. Professions are always plausible. Why, sir, Bonaparte himself is the very milk of human kindness; he is the greatest lover of his species in the world; he would not hurt a sparrow, if you would take his own account of the matter. What, then, do nature and the relations of things teach? They teach this, that the great hazard in a Government where the Chief Magistrate is elective, is from the local ambition of States and the personal ambition of individuals. It is no reflection upon any State to say that it is ambitious. According to their opportunities and temptations, all States are ambitious; this quality is as much predicable of States as of individuals. Indeed, State ambition has its root in the same passions of human nature, and derives its strength from the same nutriment, as personal ambition. All history shows that such passions always exist among States, combined in Confederacies. To deny it, is to deceive ourselves: it has existed, it does exist, and always must exist. In our political relations, as in our personal, we then walk most safely when we walk with reference to the actual existence of things; admit the weaknesses, and do not hide from ourselves the dangers to which our nature is exposed. Whatever is true, let us confess. Nations, as well as individuals, are only safe in proportion as they attain self-knowledge, and regulate their conduct by it.

What fact, upon this point, does our own experience present? It presents this striking one—that, taking the years for which the Presidential chair is already filled, into the account, out of twenty-eight years since our Constitution was established, the single State of Virginia has furnished the President for twenty-four years. And further, it is now as distinctly known, and familiarly talked about in this city and vicinity, who is the destined successor of the present President, after the expiration of his ensuing term, and known, too, that he is to be a Virginian, as it was known and familiarly talked about during the Presidency of Mr. Jefferson, that the present President was to be his successor. And the former was, and the latter is, a subject of as much notoriety, and, to human appearance, of as much certainty, too, as who will be the successor to the British Crown is a matter of notoriety in that country. To secure the succession, and keep it in the destined line, has been, is, and will continue to be, the main object of the policy of these men. This is the point on which the projects of the Cabinet, for the three years past, have been brought to bear—that James the First should be made to continue four years longer. And this is the point on which the projects of the Cabinet will be brought to bear for the three years to come—that James the Second shall be made to succeed, according to the fundamental rescripts of the Monticellian dynasty.

[Mr. Quincy was here again called to order. The Speaker said that, really, the gentleman laid his premises so remote from his conclusions, that he could not see how his observations applied to the bill.]

Mr. Quincy proceeded.—On the contrary, sir, I maintain that both my premises and conclusions are very proximate to each other, and intimately connected with the bill on the table, and with the welfare of this people.

Is it not within the scope of just debate to show that the general policy of the Cabinet, and that also this particular project, have for their object the aggrandizement of the Cabinet themselves, or some member of it? If this be the object of the bill, is it not proper to be exhibited? The

topic may be of a nature high and critical, but no man can deny that it is both important and relevant. To secure the power they at present possess, to perpetuate it in their own hands, and to transfer it to their selected favorites, is the great project of the policy of the members of our Cabinet. It would be easy to trace to this master passion the declaration of war, at the time and under the circumstances in which it occurred. Antecedent to the declaration of war, it was distinctly stated, by individuals from that quarter of the country, under the influence of which this war was adopted, that the support of the present President of the United States by their quarter of the country depended upon the fact of the Cabinet's coming up to the point of war with Great Britain. This state of things, and the knowledge of it by the members of the Cabinet, was repeatedly urged in conversation by members of this and the other branch of the Legislature, to shake the credulity in a declaration of war which at that time existed in some of our minds. Without placing any reliance on the reports of that day, this I assert unequivocally, and without fear of contradiction, that such were the passions which existed in the Southern and Western States, and such the avowed determination to war, that, had not the Cabinet come up to that point, its influence in those quarters was at an end; without their support, the re-election of the present Chief Magistrate was hopeless. Now, sir, when continuance of power is put into the scale—as in this instance it was, unquestionably—it is not for human nature to deny that it had not a material influence in determining the balance. For myself, I had never had but one opinion on this matter; I have never doubted that we should not have had war declared at the last session, if the Presidential election had not been pending.

Just so with respect to the invasion of Canada. It was, in my judgment, a test required by the state of opinion in the Southern and Western States of the sincerity of the Cabinet, and of its heartiness in the prosecution of this war. This accounts for the strange and headlong haste, and the want of sufficient preparation with which the invasion was expedited; this accounts for the neglect to meet the proposition for an armistice, when made by the Governor of Canada, after a knowledge of the revocation of the Orders in Council; this accounts for the obtrusive attempts to gain a footing in Canada, and the obstinate perseverance in the show of invasion, until the members of the Electoral Colleges had been definitely selected. Since which event our armies have been quiet enough. When I see a direct dependence between the perpetuation of power in any hand, and the adoption of, and the perseverance in, any particular course of measures, I cannot refrain from believing that such a course has been suggested and regulated by so obvious and weighty an interest. This subject is capable of much greater elucidation; but, according to your suggestion, sir, I shall confine myself to trace the connexion of this master passion of the Cabinet with the bill now under consideration.

The projects of the Cabinet, for the present year, are loans to the amount at least of twenty millions; an army of fifty-five thousand men; a grand scheme of pacification, founded on some legislative acts or resolves, and a perpetuation of the war. The loans are expected to be filled, partly from the popularity derived in the commercial cities, by the vote for building seventy-fours; partly by opening offices for receiving subscriptions in the interior. Whatever is received will be diverted to the Army service. The grand scheme of pacification will be made to appear very fair, in terms, but in the state of irritation which has been produced in Great Britain by the continuance of the war, after the repeal of the Orders in Council, and by the pertinacious perseverance in the threats and preparation to invade Canada, will, it is expected, be rejected by her. This, it is supposed, will give popularity to the war in this country. The forty dollars bounty, will, it is hoped, fill the ranks. The Army, for the conquest of Canada, will be raised. To be commanded, by whom? This is the critical question. The answer is in every man's mouth. By a member of the American Cabinet; by one of the three; by one of that "trio," who, at this moment, constitute in fact, and who efficiently have always constituted, the whole Cabinet. And the man who is thus intended for the command of the greatest army this New World ever contained—an army nearly twice as great as was at any time the regular army of our Revolution; I say the man who is intended for this great trust is the individual who is notoriously the selected candidate for the next Presidency.

Mr. Speaker, when I assert that the present Secretary of State, who is now the acting Secretary at War, is destined, by a Cabinet of which he himself constitutes one-third, for the command of this Army, I know that I assert intentions to exist, which have not yet developed themselves, by an official avowal. The truth is, the moment for an official avowal is not yet come. The Cabinet must work along by degrees, and only show their cards as they play them. The Army must first be authorized. The bill for the new Major Generals must be passed. Then, upon their plan, it will be found necessary to constitute a Lieutenant General. "And who so proper," the Cabinet will exclaim, "as one of ourselves?" "And who so proper as one of the Cabinet?" all its retainers will respond, from one end of the Continent to the other. I would willingly have postponed any animadversion upon this intention of the Cabinet until it should have been avowed. But, then, it would have been too late. Then, the fifty-five thousand men would have been authorized, and the necessity for a Lieutenant General inevitable. Sir, I know very well that this public animadversion may, possibly, stagger the Cabinet in its purpose. They may not like to proceed in the design after the public eye has been directed distinctly upon it. And the existence of it will be denied, and its partisans will assert that this suggestion was mere surmise. Be it so. It is comparatively, of little importance what happens

to my person or character, provided this great evil can be averted from my country. I consider the raising of such an army as this, and the putting it under the command of that individual, taking into view his connexion with the present Cabinet, so ominous to the liberties of this country, that I am not anxious what happens to me, if, by any Constitutional responsibility, I can prevent it.

However, to the end that it may not be thought I have made this assertion lightly, I will briefly state the evidence upon which it is founded, and which, to my mind, has given perfect satisfaction of the intentions of the Cabinet.

First. As long ago as last June, it was, to my knowledge, asserted by individuals connected with the Administration, in this and the other branch of the Legislature, that it was the intention of the American Cabinet to place the Secretary of State at the head of the Army.

Second. This intention was, early in the present session, distinctly avowed by members in this and the other branch of the Legislature, to be the intention of the Cabinet. And these members were persons intimate with the Cabinet, and connected with them in politics, and of all men the most likely to know their intentions. This can be proved, if denied. But it will not be. I do not believe there is a man on this floor who is not acquainted with the fact as well as myself.

Third. As soon as the session opened, the old Secretary of War was hunted down.

Fourth. The burden of the whole Department of War is now transferred to the shoulders of the Secretary of State. This great and oppressive trust, which, at the last session, it was seriously urged, no single living wight could bear, but that it required *three persons* to support its pressure, is now cast solely upon this individual, who, it seems, is able to uphold the mighty mountain of that Department in one hand, while he balances the Department of State in the other.

Fifth. The Secretary of State has not merely entered into a still-life possession of the Department of War. He is actively employed in arranging its details, and putting it into a state of preparation. This work of drudgery, it can hardly be expected that any man would undertake, for the sake of an unknown successor, unless he had himself some prospect of interest in it.

Sixth. The Secretary of State is no sooner in possession of the Department of War, than the plan of a great army, an efficient pecuniary bounty, and a brilliant campaign against Canada, is promulgated. Of all which, he is the known author, having communicated to the Committee on Military Affairs the whole project, not only in general, but in its details. Above all, that no doubt concerning the ultimate purpose may exist—

Seventh. Immediately after the Secretary of State enters upon the duties of Secretary of War, he puts to Adjutant-General Cushing this question: "How many Major Generals and Brigadiers are necessary for an army of thirty-five thousand men?" Now, as this question was put by authority, and was intended to be communicated to Congress, and was, in its nature, very ample, one would have supposed that it would have been enough, in all conscience, to have given to it a direct answer. Besides, it is not always thought proper for those who are in the under grades of departments, when one question is proposed, to enter into the discussion of another. However, notwithstanding these obvious suggestions, one half of the whole reply of General Cushing is taken up in investigating, not the question which was asked, but the question on which the honest Adjutant, in the simplicity of his soul, tells the Secretary: "You have not required my opinion." The whole of this part of the letter runs thus:

"In this country, we have never had a grade between the Commander-in-Chief and that of Major General; hence, it was found necessary, in the 'Continental army,' to give to the senior Major General the command of the right wing, and to the next in rank that of the left; which, from the limited number of general officers, often left a division to a brigadier, a brigade to a colonel, and a regiment to a subordinate field officer; but, in Europe, this difficulty is obviated, by the appointment of general officers of higher grades.

"From the best information I have been able to obtain on this subject, I have no hesitation in saying, that eight Major Generals and sixteen Brigadiers, to command the divisions and brigades of an army of thirty-five thousand men, is the lowest estimate which the uniform practice of France, Russia, and England, will warrant; and that this is much below the proportion of officers of these grades actually employed in the army of the Revolution.

"As you have not required my opinion, whether it be necessary to have a higher grade than that of Major General, I have not deemed it proper to touch this subject; and have confined myself to the number of Major Generals and Brigadiers, deemed necessary to command the divisions and brigades of an army of thirty-five thousand men. It may not, however, be improper to remark that, if it is intended to have no higher grade than that of Major General, their number should be increased to eleven; so as to give one for the chief command, one for each wing, and one for each division, of four thousand men."

It is entertaining to see how much trouble the worthy Adjutant takes to impress upon the mind, that the Secretary of State "had not required his opinion," on the subject of a grade higher than that of a Major General. He even goes so far as to say, that he has "not deemed it proper to touch this subject."

Now, sir, I think he has touched the subject, and treated it pretty thoroughly, too. For he has shown, not only that it is "difficult" to do without, but that it is more economical to have a grade higher than a Major General. And this, too, in an army of only thirty-five thousand men. But when this bill passes, the army will consist of fifty-five thousand. The result is, then, inevitable; you must have, in such case, a grade higher than a Major General; in other words, a Lieutenant General. Such, it cannot be denied, is the intention of the Cabinet. As little can it be denied, that the Secretary of State, the acting Secretary of War, is the Cabinet candidate for

that office. So it has been distinctly avowed by the friends and confidants of that Cabinet. And, as such, I have no question, is known by every individual in this House.

Mr. Speaker, what an astonishing and alarming state of things is this! Three men, who efficiently have had the command of this nation, for many years, have so managed its concerns as to reduce it from an unexampled height of prosperity to a state of great depression, not to say ruin. They have annihilated its commerce, and involved it in war. And now the result of the whole matter is, that they are about to raise an army of fifty-five thousand men, invest one of their own body with this most solemn command, and he the man who is the destined candidate for the President's chair! What a grasp at power is this! What is there in history equal to it! Can any man doubt what will be the result of this project? No man can believe that the conquest of Canada will be effected in one campaign. It cost the British six years to acquire it, when it was far weaker than at present. It cannot be hoped that we can acquire it under three or four years. And what, then, will be the situation of this army and our country? Why, then, the army will be veteran; and the leader, a candidate for the Presidency! And whoever is a candidate for the Presidency, with an army of thirty thousand veterans at his heels, will not be likely to be troubled with rivals, or to concern himself about votes. A President, elected under such auspices, may be nominally a President for years; but, really, if he pleases, a President for life.

I know that all this will seem wild and fantastical to very many, perhaps to all who hear me. To my mind, it is neither the one nor the other. History is full of events less probable, and effected by armies far inferior to that which is proposed to be raised. So far from deeming it mere fancy, that I consider it absolutely certain, if this army be once raised, organized, and enter upon a successful career of conquest. The result of such a power as this, intrusted to a single individual in the present state of parties and passions in this country, no man can anticipate. There is no other means of absolute safety, but denying it altogether.

I cannot forget, sir, that the sphere in which this great army is destined to operate, is in the neighborhood of that section of country where, it is probable, in case the present destructive measures be continued in operation, the most unanimous opposition will exist to a perpetuation of power in the present hand; or to its transfer to its destined successor. I cannot forget that it has been distinctly avowed by a member on this floor; a gentleman from Virginia, too, (Mr. CLAY,) and one very likely to know the views of the Cabinet, that "one object of this army was to put down opposition."

Sir, the greatness of this project, and its consequences, overwhelm my mind. I know very well to what obloquy I expose myself by this development. I know that it is always an unpardonable sin to pull the veil from the party deities of the day; and that it is of a nature not to be forgiven, either by them or their worshippers. I have not willingly, nor without long reflection, taken upon myself this responsibility. But it has been forced upon me by an imperious sense of duty. If the people of the Northern and Eastern States are destined to be hewers of wood and drawers of water, to men who know nothing about their interests, and care nothing about them, I am clear of the great transgression. If, in common with their countrymen, my children are destined to be slaves, and to yoke in with negroes, chained to the car of a Southern master, they, at least, shall have this sweet consciousness as the consolation of their condition, they shall be able to say: "*Our father was guiltless of these chains.*"

Mr. RHEA said, he would vote for the bill, believing the provisions thereof not only right, but necessary. The object is to raise an additional regular force for one year, and to repeal the law respecting volunteers; and, if conjecture may be indulged, the force contemplated by this bill will be less expensive than that contemplated by the law intended to be repealed.

This bill is opposed on the ground that the force contemplated by it (and the gentleman who has finished his explanation of his opinions appears to entertain that notion) is inadequate to the purpose intended by it. Are the purposes known for which it is intended? Will that be expressly said? will the gentleman who last spoke on the subject say it? He says he will vote against the passage of the bill, because he deems it inadequate to the purpose intended; then, it is presumed, he has plunged into futurity and acquired a complete knowledge of future events; if he has not acquired that knowledge, his vote against the bill will be without the reason for which he says he will vote, and so far as relates to that particular reason, that vote will be unsupported. To convince a gentleman who voted against the war, believing it wrong, that now it is right, is nearly, if not altogether impossible, and a vote, in such case, for a measure in support of the war is not to be expected, for it is presumed a course taken will not be abandoned. By what calculation is that knowledge obtained which takes for granted that the force intended by the bill is designed to conquer Canada? Is this knowledge derived from a calculation of the number of regiments and troops already existing by law? Any calculation of that kind will fail in the conclusion. But, it seems, that the honor of the country forbids a strict inquiry into the number of troops now existing on the Military Establishment. Well, so far, then, the honor of the country is safe; but will the honor of the country be supported by a negative vote? A term of enlistment for twelve months is said to be too short a period for service; a term of five years heretofore probably was too long; any middle term might also be objected to. Why? Only because the war was deemed improper; and, of course, every measure to support the war is also deemed improper. The war is against Great Britain, by reason of the many aggressions and

usurpations which that Power, for a series of years, has been in the perpetration of against the persons, property, and sovereignty, of the United States. If the war be, as it is said to be, wrong and improper, what is that course of conduct which would have been right for the United States to have pursued? Would submission to the will of Great Britain have been right? War or submission were the only alternatives, and a vote for the war was a vote against submission. The unprofitable business of negotiation need not be taken into view to manifest the anxiety of the United States to maintain peace. These motives are known to the sovereign people of this nation; they are known to the people of the British Empire, who may have dispassionately examined the volumes of that chaotic negotiation; chaotic by reason of the many windings of the British Government, which ended in nothing.

The United States drank the very dregs of the cup of disappointment arising from negotiation. War then remained to be adopted in place of fruitless negotiation; but that war, it seems, is improper, and so is every measure to support the war. If the bill declaring war had been negatived by a vote of this House, what would have been the consequence? Great Britain had, to negotiation, refused justice. The consequences need not be mentioned; they will present themselves to the impartial inquirer. If, after war was declared, every measure to support that war had been refused and withheld, similar or worse consequences would have followed; but an unanimity in few cases is to be expected, much less in a case so important as a declaration of war, or of measures to carry it on.

But it has been said, and truly, too, that in the commencement of the war, the United States have suffered disasters; two cases of that description have occurred, one at Detroit, the other at Queenstown. At Detroit, an army composed of brave, determined, and warlike men, were, for some reason or other, surrendered without resistance to the enemy. This case may be passed over without comment, until a development of it in a proper manner be made; but this much is noticed, that detached parties of that army were led in battle against parties of the enemy, were victorious, and, on every trial, proved themselves the brave defenders of the rights of their country. In relation to the disaster at Queenstown, little need now be said, because the respectable and gallant officer who commanded at that battle, has, in his published statement, very fully accounted for it, and manifested the cause thereof; but where did ever troops fight and contend against an enemy with more virtue and unremitting courage than the troops of the United States did who fought that battle? and although they were ultimately overpowered by numbers greatly superior, they nevertheless proved themselves the worthy defenders of the rights of their country, and have acquired for themselves a name of renown, which will be remembered as long as the heights of Queenstown shall remain. The gallant, brave men, there engaged with the enemy, gave a specimen of what American citizen-soldiers can do, and if a few hundred more men, such as they were, had been with them, the heights of Queenstown would have witnessed the ruin of the defeated and captured enemy. Let us not talk about these disasters now; sufficient about them has been said. Every American heart felt chagrin because of the surrender of the army at Detroit, and in the heart of every American is erected a monument in remembrance of the heroes who fell in defence of American rights at the battle of Queenstown. These two cases have been noticed by the highest officer in this nation, in a manner the most magnanimous and expressive of his confidence in the exertions and success of this nation. Let the Legislature of this Union provide, so that similar cases in future may be prevented.

Mr. R. here gave way for an adjournment.

WEDNESDAY, January 6.

Mr. BOND presented a petition of the Legislature of the Illinois Territory, praying that four companies of mounted rangers may be raised for the protection of their Territory against the hostile Indians.—Referred to the Committee on Military Affairs.

Mr. McKIM, from the committee to whom was referred the petition of sundry citizens of Baltimore, praying the removal of the Loan Office to Baltimore, made a detailed report thereon, and asked for leave to report by bill. After some objections by Mr. GOLDSBOROUGH, and replies thereto by Mr. McKIM and Mr. ARCHER, leave was given, and a bill reported, "to remove the office of Commissioner of Loans, for the State of Maryland, to Baltimore;" which was read twice, and committed.

ADDITIONAL MILITARY FORCE.

The House resumed the consideration of the order of the day, being the bill for raising an adional military force of 20,000 men for one year.

Mr. RHEA said, in examining the merits of this bill an extensive range is taken in opposition to it; the bill itself sometimes is obscured by recitations of matter of negotiation heretofore talked about, and, without effect, endeavored by the United States. Considerable labor and argumentation has been undergone to show that in business of negotiation England was always right, and continually willing to do right to the United States, and that the United States some how or other were always so unfortunate as to be doing something precedent, which hindered them from obtaining and enjoying the many good things which England has to bestow and freely give to those who will by due respect and proper submisssion merit them. Everything relative to that long and unprofitable negotiation might as well be omitted and left to rest in oblivion, at least in this House; and more especially because the documents containing all the unsuccessful business have been spread before the American people, and the thing itself has been worn threadbare long ago.

The causes and reasons which induced the war are also discussed with great care and attention, and elaborate argument used to show that the United States had no first cause of war against England, and that if the United States had any cause of war against England, England was willing to take it away; and if was not taken away, it was owing to the unfriendly conduct of the United States. Such is the substance of arguments introduced on this occasion to show this bill ought not to be a law. The causes and reasons inducing the war are known to the people of this nation. They have formed their opinion thereon, and, therefore, less may be said. There is, however, a cause of the war, and of the continuance of it, which in proper time will be adverted to.

In opposing the bill under consideration, the aggressions and usurpations of England against the United States are not brought into view with perceivable distinction generally, and, where they are, England fighting for existence is excusable; being forced to do what she does in retaliation against France her enemy. It might, however, be as well to let the conduct of England appear in its true colors towards the United States; in the colors in which it is—colors, which no brush can wipe off, and which are of so peculiar a nature, and so agreeable to their subject, that to varnish them over or discolor them is impossible; colors, durable as time itself, not composed of the perishable ingredients of colors used by great painters of past ages. Seeing the causes of the war are noticed, let the plain facts show themselves, and they will appear to be, that England has for several years past, to enrich and aggrandize herself and to humble the United States, carried on war in disguise against them. In carrying on that war in disguise, she unjustly took the property of our citizens, impressed the seamen, and violated in many instances the sovereignty of the United States. The impartial history of the times will manifest that she perpetrated these aggressions and usurpations, that the United States did everything a nation ought to do to preserve peace—but England would not suffer it to be so. The United States, in defence and vindication of their rights, appealed to arms and declared war, after all hope of indemnity for the past and security for the future injuries, by negotiation, had ceased. Notwithstanding all this, attempts are made to show that the war on the part of the United States is unjust, that the declaration of war was an act of folly and madness, and that being unjust it cannot be attended with success, and the war is said to be foreign and offensive.

The United States for several years endeavored to defend and vindicate their rights against the aggressions and usurpations of England, by negotiation, in the most friendly manner, but without effect; they then with the same object in view, that is, to defend and vindicate their rights against the aggressions and usurpations of England, declared war, and for that reason they who were and are for war, named it a defensive war. They who are opposed to the war may name it an offensive and foreign war, because it may be foreign to their desires and offensive to their dispositions, and so England may name it foreign and offensive, because foreign to her desires; she would rather have carried on war in disguise against the United States, and in that manner have subjected their rights, they remaining passive and unwilling even to be kicked into a war! The war is offensive to her, because the United States would not continue a submission to her monstrous aggressions and usurpations. In this sense, and no other, can the war be said to be foreign and offensive.

The object of just war is to compel the aggressor to do justice; and to attain that end he may be attacked by land and sea, and the injured nation has a right to choose the place of attack; either by land or sea, or both. It is not for the aggressing nation in such war to direct the injured nation where to attack; that would be to reverse the very design of the war. In this war the United States are advised to attack England on the ocean; and at the same time they are told that England is invulnerable on the ocean; that her thousand ships of war rule and give her the dominion of the ocean. England then being invulnerable on the ocean, to persuade to attack her on the ocean is what she, it is presumed, would, if she could, persuade the United States to do. For the United States to attack Great Britain on the ocean, to compel her, as the only mode to do justice to them, would be a strange scheme, apparently irreconcilable to common sense and common prudence. But it may be observed, with the gentleman from Massachusetts, that there is an audacity which sometimes stands men instead both of genius and strength; and most assuredly, he is most likely to perform that which no man ever did before, and will never be likely to do again, who has the boldness to undertake that, which no man ever thought of attempting in time past, and no man will ever think of attempting in time future. I would not, however, sir, be understood as intimating that England cannot be conquered on the ocean, for nations rise and fall like trees in the woods.

A nation not sufficiently strong to attack the usurper of its rights on the ocean, is justifiable in carrying the war into his territories and dominions, and the occupation of its territories by the injured nation will not be a reason to denominate the war an offensive war, for, even by the common law of England, (which will not be disputed,) he who commits the first act of aggression is answerable for all the consequences. In this debate, relative to the war, that maxim of England appears to be forgotten, and no wonder that maxim is forgotten, for all the injuries perpetrated against the United States, by her, appear to be forgotten. And that is strange, for, owing to something wrong in human nature, injuries are better and longer remembered than benefits; and what may seem to be stranger than that, is, that by reason of some other strange thing in human nature, both injuries and bene-

fits are forgotten in the contemplation of supposed splendor and beauty shining in the face of a beloved object.

But it is objected that for the United States to occupy by their armies the territories of England in North America, is contrary to the laws of religion and morality. Certainly they who make the objection will in this case take and act agreeably to examples given by England, who can do no wrong. For instance, Scotland and Ireland were ancient kingdoms—some old books intimate, more ancient than England; and England overcame with her armies, and conquered both, with immense slaughter of mankind, and finally incorporated them with herself in one empire; and certainly England would do nothing contrary to the laws of religion or morality. But it is contrary to the laws of morality. By the common law of England, an assault will justify a battery; and certainly the common law of England, being the perfection of reason, is the perfection of morality. England has assaulted, nay, grievously battered the United States many, many times, more than three times. In this case, then, the example and law of England prove that to occupy the territories of usurping England is not contrary to morality nor to religion. Will the objector say, that he who suffers his household to be destroyed by an enemy, and will not provide for its safety, acts pursuant to religion? Besides, morality and religion both sanction self-preservation.

War may justifiably be carried on against an usurper, where he is vulnerable. Admit England is invulnerable on the ocean, but is vulnerable on land, and the United States are not able to fight her on the ocean, and are prohibited by the laws of morality and religion to attack her on her territory; they then may submit to all her aggressions patiently, like good religionists and moralists, and console themselves with inability in the one case, and religion and morality on the other. According to this doctrine, an army of Indians, allies of England, may come from beyond the limits of the United States, and murder hundreds of men, women, and children; and the United States are prohibited by religion and morality beyond their own limits to pursue the savage murderers. Away with all such impure and spurious doctrines. Let them be banished to the shades where dwell non-resistance and passive obedience.

Prejudice against England cannot with propriety be imputed to the United States. They patiently waited several years for the returning friendship of England; but friendship returned not; for their patience they received contumely, and more abuse; and were even told they could not be kicked into a war. The friendly disposition which dictated that saying, cannot be attributed to prejudice against England. The arrangement made with Mr. Erskine, and the whole conduct of the United States disprove the pretended idea of prejudice against England. That notion, and the notion of French influence, are of the same origin—mere creatures of the imagination and destructive of each other in the tumults of fancy.

It has been urged, that if the Orders in Council and blockade system were repealed by England, and if that had been known previous to the declaration of war, that declaration would not have been made. Admit that to be so, for the argument sake—that cannot have any force against the war. England had time sufficient to repeal them, if she had been so disposed, previous to the declaration of war; but she did not repeal them previous thereto. But, if she has repealed them, they were repealed in consequence of the oppression by them imposed on her own subjects, and not in consequence of an intention to do justice to the United States; for a repeal of them, intending justice to the United States, would have been a long time before it was made; and not limited and conditional, as it was, but absolute as respected the United States. In justice, the United States, being a neutral nation, were entitled to a complete exemption from the operation of all the maritime and commercial edicts, which they remonstrated against, and endeavored to obtain an exemption from, since the time of their commencement, notwithstanding the allegations of England, that she was compelled to adopt them in retaliation against her enemy. She and her enemy might have issued edicts against each other to infinity; the United States, in justice, ought not to have been made the subject of their operation, and more so as they had given no cause for their existence.

In this case it has been attempted to be assumed that, the Orders in Council being repealed, the cause of the war has ceased, and, therefore, the war ought to cease. This assumption assumes that the Orders in Council were the only cause of the war. What, then, and is the impressment and enslaving of more than six thousand American seamen no cause of war? But for the present, let the Orders in Council be taken as the cause of war, the conclusion will not follow. The Orders in Council existed at the time war was declared. Let the order pretending to be a repeal of the Orders in Council be attentively observed, through a pure perspective of American manufacture, that order will be discovered to be only a time-serving and make-believe pretension of what it is not. It is not what it pretends to be; for it is loaded with restrictions, limitations, and reserves. Too long has the American nation been amused with promises and pretences of friendship from a source where enmity appears rooted. Let England do justice, mere justice, and nothing more, and she may, when she pleases, put an end to the war. But no; such is not her will, for offers of impartial accommodation, ever since the declaration of war, were made to her, and she has rejected them; the documents manifesting the same are spread before the American people. War, on the part of England performs the operation of the Orders in Council, and more, and by a treaty only can be terminated. Let England, by acts of justice, show that she is willing to end

the war and be at peace; let her restore the American seamen she has impressed, and indemnify for all the spoliations she has committed, and for all the violations of the sovereignty of this nation, and she will find the United States cordially disposed to meet her on terms of mutual justice, and at the return of peace, said Mr. R., no one will be more gratified than I will be.

A gentleman from Massachusetts has amused himself with a long talk about this bill—sometimes to him it is mere smoke and phantom, at other times it appears arrayed in the terrific form of a Gorgon. That gentleman has had his fancy on the torture to discover what the design of the bill is—sometimes it is to invade Canada, then it is an electioneering trick. Alas, for truth, when buried in the bewildering of imagination! And yet the gentleman would induce a belief that he knows many things about it, for he talks profusely about something he calls a Cabinet, which, according to his talk, must know everything. A cabinet! And pray, sir, what is a cabinet? A man far off in the woods would suppose that word meant some sort of house, being a derivative from the word cabin, a name given to a house wherein a first settler of waste lands resides; so, then, there are the words cabin, cabinet, and cabinet-maker. Either of the terms may be taken, and the meaning given to convey an inapplicable idea for the purpose of understanding the minimums of fancy. A cabinet (small chest)—in England the word may mean king and privy council—in America, under the Constitution of the United States, the word has no meaning applicable to any department of the Government. Ah! but it is delicious to follow anything carrying the fume of Old England. The application of a little plain common sense will discover, without trouble, what the design of the bill is: For instance, the United States are at war in defence of their rights against the usurpations of England; war is to be carried on with forces; the bill contemplates the raising of forces—and the forces when raised are to act in maintenance of the rights of this nation, and where a direction shall be given; and anybody who knows the United States are at war may know all that without the aid of a sorites. The gentleman is opposed to the war, and of course a politician to whom the war is offensive, that is, he is opposed to the invasion of Canada—but Canada is a province of England, and near the United States, and a force of England is there, and the celebrated Henry, of British-Emissary-memory, came from there; and all this the gentleman knows, and much more, and, therefore, let him be excused for his opposition to an attack on Canada, for that is war against England, and England has done no injury to the United States.

In this debate it is urged, it is cruel and inhuman to invade the people of Canada; subsisting relations are stated between the people of the United States and the people of Canada. Relations doubtless exist; but the people of Canada are the subjects of England; but, passing that over, it ought to be known that no invasion will be made on the people of Canada, considered only as the people of Canada. All the round-about talk on that subject is inapplicable, unless they can make it appear that they are independent of England; in that case the United States will never invade them; they may if they will be so, but that they are not. In Canada are strong fortifications and regular troops of England, keeping the people of Canada mindful of their subjection. The safety of the United States may require the removal of the same regular troops from Canada—in that removal the people of Canada can lay neutral and no one will injure them. But the talk will not have all the praise expected without being puffed with terms expressing the cruelty of an invasion of Canada. This notion of the invasion of Canada, what a powerful notion it is! We are told that the success of the English Ministry at the late elections, was owing to this notion of the invasion of Canada; the English Ministry then ought to be grateful to those who propagated that notion, for as it has already, so it may with other means in the power of that Ministry, help them out at some other dead lift, and it follows that an opposition to that notion may incur the direful wrath of that Ministry, and what a dreadful thing that will be!

In this debate, about a bill to raise an additional number of regiments of infantry, the wonderful man, Napoleon, is dragged in to help—he is introduced, clothed in terrors, to defeat this bill; this bill, so unnecessary, so good for nothing, Fears are entertained lest the same terrific Napoleon, after having destroyed all other nations, shall take in his head to destroy the United States also; this is strange indeed, the fears entertained ought to operate in favor of the bill, and so one would think. But it seems the order of nature is reversed in these times of wonder, and what is most feared is not to be provided against. But why shall the terrible Napoleon be now an object of fear? Do not all the late accounts from Great Britain (and certainly nothing but truth can come from the fast-anchored Island!) go to show that the terrible Napoleon is, with all his armies, blocked up in the desolation of Moscow, and cannot escape? Away, then, with all idle fears of the terrible Napoleon—this is not the time to play off boyish buggaboo tricks. But it is intimated that the mighty Napoleon has destroyed all public law; well, then, he must have had, or has in his hands, the sovereignty of the ocean as well as of the dry land—and England on the ocean is subject to him. He who may will believe that; as soon will Great Britain be believed to be now swallowed down and engulphed in the ocean. How, when, where, and by whom was that thing, named public law, made and concluded? When and where did the nations convene and make it? When and where was it universally acted on? For, being a public law, it must have been publicly, that is, universally in force, obligatory and acted on; like the phantom named balance of power, the thing named public law has been a ladder used by ambition to mount the summit of despotism. England cried out

balance of power, public law, and endeavored to justify all her maritime usurpations by it, until she mounted up to the dominion of the ocean; and now she says she has a right to that dominion, and of right will hold it, because her navy sweeps the ocean in all directions, and by the power of her navy she will hold it, and no doubt she will so long as she is able. In this, England has done no more than every other nation who acquired maritime ascendency has done; that is, bottomed every maritime usurpation on that thing named public law, until the ascendency was acquired, and then set public law at defiance, declaring that maritime power carried with it the right to prescribe maritime law. On that despotic principle each of them acted, until the injured surrounding nations put down the ascendency. That usurpation, although in execution it has for a time suspended the rights of nations, bottomed on natural law and universal justice, has not obliterated those natural and inalienable rights. They being perpetual in existence, although overpowered for a time, continually operate, until at length they burst forth with irresistible energy and bury the usurper in an everlasting grave, under the ruins of his own magnificence.

The gentleman from Massachusetts, in the fruitfulness of his imagination, has discovered another object of this bill; that is, that this bill, and even the war itself, is an electioneering trick, to have a Lieutenant General of the Armies appointed, who, by a future election, may become President of the United States; and that the State of Virginia is at the bottom of all this, because a citizen of that State must be the Lieutenant General; that, in twenty-eight years, the Presidency of the United States will have been administered twenty-four years by a Virginian, and intimating, that, not content with that, Virginia is looking forward to an election four years hence. This is a heavy charge against you, Virginia; and for this, the gentleman, in his big anger, has charged you with ambition, and a majority of the other States are covertly charged with abetting you in your ambition, as if they were influenced by you, or were not fit to judge for themselves; and all this by a gentleman from Boston. The gentleman will not remember past times; he will not recollect when, at the commencement of the Revolutionary war, Boston was filled with a devouring and cruel enemy, and the good people thereof in wretched misery; that then, when paleness of face prevailed in Boston, Virginia rose with magnanimity, greatness, and majesty; sent her beloved Washington, and her armed bands of citizens, and her rich provisions, to deliver and save the good people of Boston from their merciless enemies and from famine. The gentleman will not remember this, for great men sometimes forget their friends. Many good men, however, yet alive in Boston, remember it, and with gratitude. This, however, is not intended to intimate that a President of the United States ought always to be elected from Virginia, but only to show that the gentleman would do as well to be in good humor towards Virginia. But the gentleman, it seems, has discovered that this bill, and even the war itself, is an electioneering scheme to make a citizen of Virginia President of the United States. Well, this is truly a wonderful discovery; completely novel, and of the gentleman's own invention; and as it may be of great use in the political world, the gentleman is entitled to all the benefits and emoluments of a first discovery; to obtain which adequate provision is made by law, so soon, as a model is lodged in the proper office.

Some observations were made by the gentleman relating to drawing-rooms. Such foul and undeserved aspersions have one only answer—"*Let him who is filthy be filthy still.*"

A charge is made against this bill, that it will be injurious to the militia. That is impossible. An evident object of it is to preserve the militia within the limits of their respective States and Territories, as far as is consistent with safety to the Union, to the intent that the militia may be less frequently taken off from their rural and other occupations; and that, to the militia, is of the utmost importance; and it is well known how careful the Governors of some States are of the militia. But a certain operation which this bill will have, is completely kept out of view; that operation is, it may be presumed, what has thrown the gentleman so much off his guard. The operation alluded to is simply this: this bill, if it becomes a law, will give a force to the President of the United States, which will not be controlled by any novel constructions of the Constitution of the United States, and, in its operation, will greatly aid the President of the United States to carry on a just war against the usurpations of England, in defence of the sacred rights of the nation; this is the great stumbling block. All that that gentleman has said in this debate—taking into view his poetry also, which is an inimitable example of the true bathos—is reducible to a few points, namely, invective against those who administer the affairs of this nation; second, an attempt to persuade, not to invade Canada; third, an attempt, in a guarded but solicitous manner, to show the weakness of the physical and pecuniary resources of the United States to carry on the war; and fourth, a self-pleasing display of the greatness of the power and resources of England, and justification of England in her conduct against the United States, accompanied throughout the whole with modest intimations of the certainty of his knowledge, in relation to things by him declared to be true, on his own conscience, in a course of eight years, in which he intimates himself to have been an attentive observer of things and persons.

He has observed, and properly too, that "the strength of satire is the justness of the remark, and the only sting of invective is the truth of the observation." Let the impartial and unprejudiced read, contemplate, and understand the history of all the transactions on the part of the United States towards England, and on the part of England towards the United States; and, also, all the mass of invective which that gentleman has, in

the course of his debates, and for nearly eight years, been endeavoring to throw on those who have administered the affairs of this nation; and then apply the test given by himself, and it will appear that he has been in the habit, not only in this debate, but at other times, of pronouncing invective against himself; and, for a plain reason, his invective in relation to those who administer the affairs of this nation, is without the sting necessary to make it invective; and where there is no invective there is no satire.

So much of what he has observed in opposition to an invasion of Canada, has been already noticed. So much as respects the inability of the United States to carry on the war by invading Canada, or otherwise, will recoil, on application of the rule, if designed as invective against this nation. And so much thereof as goes to display the power and resources of England, and the statements in relation to the conduct of England towards the United States, will, for the present, be left to be explained by the gentleman himself at another time.

The gentleman has stated that his ancestors have been planted in this country for near two centuries. And what will that prove? Only that his ancestors, for so much of that period as was previous to the declaration of independence, were subjects of England, as were all others who were in existence in the then colonies of England at the time of that declaration. That circumstance will not sanction the abuse of those who administer the affairs of this nation. The gentleman intimates that he has character and friends, and a deep stake in the soil. And is he the only one standing in that predicament? Have not they who administer the affairs of this nation characters, families, and friends, and deep stakes in the soil, also? Are not they, and every one who is engaged in resisting the aggressions and usurpations of England, as deeply interested in the safety and welfare of the Republic, as that gentleman who once thought the United States could not be kicked into a war. Patriotism and love of country does not depend on a long ancestral residence in that country, nor in a deep stake in the soil. Several men, whose ancestors had for many years been settled in the country previous to the declaration of independence of the United States, did not remain in the United States, but chose to continue subjects of England. At that period every man had a right to elect whether he would continue a subject of England and retire, or remain and help to resist the then usurpations of England, and the establishment of that declaration of independence. The contentions and discord of the Jews, shut up in the city of Jerusalem, by the Roman legions under Titus Vespasian, were a cause of the delivery of that great city into the hands of Titus, and the destruction of it and the Jewish nation; and these very Jews were the offspring of a long line of ancestry, who had been for many centuries in possession of that city and Judea, and rooted in that soil as deeply and exclusively as the oak or lofty cedar that rooted itself among the rocks of Lebanon, and even as deeply as the gentleman himself in the soil of Massachusetts. This case is only noticed to show that a long line of ancestry is not the exclusive cause of patriotism, without believing that the opposition of the gentleman to the bill under consideration, although it may and probably will be a cause of prolonging the war, will have any effect whatever towards subjecting the United States to the usurpations of England. As has been observed, England commenced, at an early period of the United States, her operation of war in disguise against them; and in that England was resisted by negotiation under the Administration of President WASHINGTON, the father and friend of his country, and by every succeeding President of the United States, and that is the highest authority to have continued resistance, not only by negotiation, but by war itself, until the object is obtained. To that war in disguise, the embargo and non-intercourse laws were opposed, under expectation that thereby England might be induced to stop her war in disguise, and do justice to the United States. The embargo and non-intercourse laws were resisted, and failed in effect, and, by that resistance, England was encouraged to progress in her war in disguise, and that war at last produced a declaration of war against England; that declaration of war was opposed, and so also has every measure to carry on the war. And there is every reason to believe that that opposition, in its several periods, has had considerable influence on England to continue her war in disguise, and will operate on her to continue the war, notwithstanding the efforts of those who, by every means, without war, endeavored to obtain justice from England in an amicable manner, and who now, by war, are endeavoring to obtain that object.

Mr. WIDGERY.—Mr. Speaker: I understand the question before the House to be on the bill for raising twenty thousand troops, in addition to those already raised. To this bill the objections are, that it is an unjustifiable war; that there was no need of war; that England has always been ready to do us justice, and to give us peace on honorable terms; that her Orders in Council which were the great cause of war, were revoked; that England wants none but her own seamen, and that she was willing to negotiate about the seamen when ready, but that she was not quite ready; that the Cabinet was made up of two Virginians and a foreigner; that the war was declared with a view to secure the election of James the First; that it was intended to give James the Second the command of the army, in order to secure his election as our next President; that it would augment the office-seekers, who, with the friends of the Administration, were continually haunting the Executive, like toads, that lived on the spittle of the palace and levee; that Mr. Monroe had been the instigator of the letter written by Mr. Cushing, in which a Lieutenant General was hinted at, and in proof of this last charge, they charged him with undertaking to arrange the War Office, which it was said, last session, would require the talents and abilities of three men;

that Canada is of more use to us in the possession of the English, than if it was our own; because it now operated as a pledge for their good behaviour. Sir, if I believed one-half that has been said against my own Government, and in favor of the British Government, it would not only be my duty to vote against this bill, but to aid in repealing all the war measures. Sir, if what the gentlemen in the opposition have said, is true, it would be unpardonable in me to aid in any act, by which any of those sainted subjects in Canada, whom the gentlemen are pleased to call our friends and kinsmen, should be injured. Although I do not see how it is possible all those objections can apply to the question before the House, whatever they might have done against a declaration of war; yet, as gentlemen have been permitted to take this wide range in opposition to the bill, it is impossible they should be answered, without, in some measure, going from the question immediately under the consideration of the House. The opposition has been more of a rant than an argument. "That it is an unjustifiable war." If they are right in this, the majority must have been very wrong, in declaring war, in the first place; if that part of their objection is well founded, we must have been deceived in the whole of what we have understood to be the conduct of Great Britain towards the United States.

Sir, as early as 1793, Great Britain had beheld with a jealous eye, the great increase of the American commerce, carried on by an industrious, honest, and enterprising people; she knew not for some time how to curtail it, without an open rupture; at last she dreamed that corn was contraband of war, and in spite of all that could be said or done by our Minister, then at the Court of London, she insisted on this abuse of power to prevent the United States from exporting her own corn to any of the belligerents (herself excepted.) This, however, did not prevent entirely the growth of the American commerce. Eight or ten years after this, another deep laid plot was set on foot. Some of the Americans were taken. On the trial of one of these vessels, Sir William Scott gave an opinion, that produce taken direct from the colonies to a neutral port, there discharged and reshipped, was a sufficient proof of its neutralization, to carry it to any part of the world. This gave a spring to the American commerce; the ocean was whitened with her canvass in every climate; rich and full cargoes passing in every direction; the owners innocent and unsuspecting as the lamb that licks the salt from the butcher's hand—mark their fate. England now, for the first time, decreed that neutrals had no right in war which peace did not give them. She immediately sent forth her cruisers; her avarice, paramount to every other consideration, could not be restrained; contrary to the law of nations, of reason and common honesty, she made one general sweep. When the vessels and cargoes were carried into London, Sir William Scott had his excuses ready. In vain did the defendants urge his former decision; he said it was true that he had given such an opinion, but it had been overruled by higher authority, and by whose opinion he was bound. No further reasoning was had on the subject. The Americans were brought in like sheep to the slaughter, condemned, their property taken from them; they left to wander about the streets, penniless, depending on the cold hand of charity for subsistence. In this, sir, I challenge contradiction. I was in London at the time, and had the mortification to see my countrymen stripped of their all, and thus turned adrift, in a foreign land. Her voracious appetite not yet satisfied, her paper blockade was next put in force. With a single paragraph from her pen, she put the whole frontier of Europe under a state of blockade, without a single ship in sight of one-half the harbors; and in consequence of which, the British ships of war came over to your country, three thousand miles from the places blockaded, there captured your ships in the mouth of your harbors, and within the acknowledged jurisdiction of the United States, contrary to every principle of the law of nations, which considers only such ports under blockade as have a sufficient force before them, to prevent neutrals entering the port. All this has been done to injure and destroy the American commerce. Are these not just causes of complaint, without mentioning the base practice of man-stealing, which is of itself a sufficient cause of war against England? As to the revocation of the Orders in Council, with the reserve made therein to restore them whenever it should be for the interest of the British Government; this is not what we are contending for—a mere momentary repeal; we dispute the right of any nation to make paper blockades. Instead, therefore, of gaining a point by this conditional repeal, if accepted on our part, it would be a tacit acknowledgment of their right to such blockade in future. Such a system could never be submitted to by any commercial nation, if in their power to prevent it. "England is ready to do us justice, and to enter into negotiations respecting our seamen." When will this "bulwark" of religion be ready to do us justice? We have called on her by every means in our power for fifteen years past, and she has, in every instance, evaded doing us justice, except in that of the Chesapeake. Gentlemen in the opposition, when talking about impressment, endeavor to balance the account by augmenting the number of English seamen in our merchant service. They have as many Americans in their merchant service, as we have of theirs in our service. But this is not what we complain of: it is the abominable practice of men-stealing, and compelling them to fight against their country, their brothers, fathers, and friends. This is what we are called on to oppose—the enslaving our citizens, and carrying them from their friends and their families. Is it such a crime to look like an Englishman, and to talk the same language, that we must be enslaved for it wherever they can take us? It cannot be submitted to. But the Cabinet is composed of "two Virginians and a foreigner." As to the President, it matters not with me, on what particular spot of ground he was born, if, within

the United States—if he is the best man, take him. He will not be so likely to bear against "New England," in a Middle State, as if he was further South, or from Tennessee or from Kentucky. If, therefore, one State must have the Presidents, I think them in less danger in a Middle State, than in any of the extremes. Sir, I have heard so much against those Virginians, that I had almost concluded they were devils; but when I came among them, I found them acting in politics according to their talents and abilities, very much like other men. But what shall be done with Mr. Monroe? He, they say, was the instigator of Mr. Cushing's letter, in which a Lieutenant General was hinted at. Sir, I see nothing in this letter more extraordinary than what might have been expected from any military officer, and what is to be seen in all large armies. But to prove their fears are well grounded, they charge him with going into the War Office to do the work, which, it was said last session, would require the labor of three men. This is monstrous! A Virginian charged with the crime of industry! A man undertaking to do three men's work himself! Of all places in the world, Virginia would be the last in which I should think of charging the citizens with the crime of industry! It might apply much better further north. But Mr. Monroe seems to be to the opposition, what Mordecai was to Haman. Sir, I remember when in London, amidst all the distress of his fellow-citizens who were captured and brought in to that place, they all spoke well of him as a faithful servant of his country. Sir, I find him at home equally busy in the service of his country, in season and out of season—regardless of his own ease, always ready to attend to business. Sir, this violent opposition to such a character from that quarter of the House, raises him in my estimation.

But what is to be done with the foreigner? "Two Virginians and a foreigner." Sir, Mr. Gallatin was in this country during our struggle for liberty. He was at that time professor of the French language in Cambridge college. His citizenship is as old as your nation. As well might you call all who were here antecedent to the Revolution foreigners. I know of no legal distinction between the subjects of Great Britain who are born on the island of Britain, and those born in her colonies. While they belong to that nation, they have like passions and national prejudices. We never heard the complaint of foreigner against Mr. Hamilton, when he was Secretary of the Treasury. He was as much a foreigner as Mr. Gallatin. Mr. Hamilton was born on the island of Jamaica. The Federal gentlemen were never alarmed about this English foreigner. When he died, funeral processions were made all over the country on his account. No Republicans cried out foreigner; they considered him a citizen of the United States. If Mr. Gallatin was not uncommonly guarded, correct, and fair in all his dealings, he would have been found out before now. He has had so many enemies continually watching for his halting, that I have no doubt, had he committed errors, the Federal gentlemen would have detected him before this time. Sir, I do not stand here as the advocate of Mr. Gallatin, more than of any other man, who is thus attacked unfairly, and where he has no chance to answer for himself.

"That this war was declared with a view to secure the election of James the First." How strangely do men contradict themselves when driven to desperate shifts. This very gentleman, my colleague, (Mr. QUINCY,) in the same speech, declares that the war is unpopular, that the greatest part of the citizens were opposed to it, and that those who acquiesced in it did it with the greatest reluctance. How then it could aid the election of Mr. Madison must be elucidated by Federal logic. "James the Second is to have the command of the Army, to aid his election as President for the next four years." Strange objection to a bill for an enlistment of twelve months—that it is to aid an election which is to take place four years hence. This is hardly deserving of an answer. But my colleague (Mr. QUINCY) says it will augment the office-seekers, who, with the friends of the Administration, haunt the palace, like toads, that live on the spittle of the palace and the levee. If the gentleman means partaking at the President's bounteous table, he too has taken his turn. He has enjoyed the fruits of the palace, and touched the generous glass at levee. (How black the sin of ingratitude!) The House will pardon me for repeating the gentleman's language in his simile of the toad; language which, if used in any place except on the floor of Congress Hall, I should have considered as Billingsgate. Many of the gentleman's political friends, who have sought and obtained offices under the late appointments, will not feel under obligations to him for his simile. "That Canada is of more use to us in the possession of the British than if it was our own." Sir, so long as we have the English in our neighborhood, so long will our Government be disturbed by secret machinations. She is so handy that she will always be able to do more by stratagem towards dividing our councils and the Union, than all her armies could do, had she no colonies on the continent. Aside from her red allies, whom she can set to war with us just when she pleases, consider them in any point of view you please, they are dangerous neighbors. I would not be understood by these remarks to mean that I would not settle with England until we had conquered the Canadas, but to show that they are a dangerous pledge to us; they have always looked on the United States as their own, and have only sought for a good opportunity to divide them, in order that they might take possession; hence the Henry plot, the discovery of which will, for a time, put them back. Sir, whenever a country is to be revolutionized, the leaders who are intrusted with the secret are always to come forward as the friends of the people and peace-makers, who are ready to give up all for the good of the people; tell them how cruel their Government is; that their rulers have

no feelings for them; that they only aim to enslave them; that if they had the rule they would soon relieve them, &c. Thus they deceive the people, until they get into power themselves, and then, for the first time, the people find they never meant them for anything but hewers of wood and drawers of water. It is by those deceptive measures that most of the Governments in Europe have been overthrown. Look at the situation of this country; the peace-makers crying out against the President, with an united voice, from one end of the continent to the other, that he is under French influence—that he is a war man, &c. When the fact is, that this mighty war man has almost prostrated the honor of his country at the foot of Britain in search of peace. My colleague (Mr. Brigham) when up yesterday, acknowledged that if united we could conquer Canada, and if united we could have an honorable peace; but, said the gentleman, "Mr. Speaker, you differ in opinion as much from me as I do from you." Sir, if I have understood you, both in private and public, you have on a full investigation of the dispute between the two nations, formed an opinion in favor of your own Government, and against the enemies of your country; what is the reverse of this opinion I leave to the gentleman's own reflection. Why, then, not unite and have peace? Is it not our duty to use every exertion in our power to obtain an honorable peace, or are gentlemen determined to use every means in their power to prevent anything being done, unless they can compel the majority to give up to the minority? Sir, we meet here to consult what is best to be done for the nation, and to support whatever the majority shall agree on; and are we now to be told by individuals in the minority, that they will not aid or assist in carrying on the war, after it has been decreed by a large majority of the House? Are gentlemen determined not to unite in any one thing, unless they can do as they please? Sir, it is said the devil would be good natured let him have his own way. I am willing the majority should rule, and whatever they agree to I will support; I know of no other way to get along with a republican form of government. When the gentlemen were telling you how cruel it was to meddle with the British subjects in Canada, they were very careful not to speak of the scalping knife, so dexterously used on our defenceless citizens. No, sir, their tender passions were never disturbed on account of those savage barbarities; this was not their business, it is too much to think of. I have heard not a single argument from the gentlemen in the minority, which does not go to tame submission and non-resistance to the military encroachments of Great Britain.

Sir, I would ask the gentlemen what has been the cause of this mighty change in their minds? Not long since, they petitioned the Government from one end of the continent to the other to resist Great Britain, and protect them in their commercial pursuits; no satisfaction made for the captures of that day; no agreement entered into between us and Great Britain not to steal our seamen; yet, strange to tell, those gentlemen who then offered to pledge their lives and fortunes, are now the champions in support of England, and the most bitter revilers of our own Government.

Sir, as to the bill before the House it is not such as entirely meets my ideas. I wished the enlistments had been for at least eighteen months, but as the majority of the House were of a different opinion, I had rather take the bill as it is, than not to augment the Army for the next campaign, and shall therefore give my vote in the affirmative.

Mr. Archer said, so great was the respect which he felt for the House, so deep was the consciousness which he entertained of his inability to do justice to a cause, especially one of so much magnitude and importance, of which he might be the advocate, that he would be doing injustice to his feelings were he not to express the weight of the embarrassments which oppressed him. But the wide range which the present discussion had taken, involving considerations of great national interest, and calling forth the cruel asperities of political intolerance, seemed to leave him no alternative in the discharge of his duty, but to repel the unfounded insinuations which had flown in so copious a stream from the other side of the House. Were gentlemen to confine themselves to a temperate investigation of the propriety of adopting measures either recommended by the Executive, or proposed by the majority, who is there that would not listen with pleasure and satisfaction? But when the liberty of debate was prostituted in disseminating the most unfounded charges, in the indiscriminate abuse of the constituted authorities of the nation, he confessed, he could not "always be a hearer, and never reply." The few observations he had to make would be without either system or arrangement, having bestowed no previous consideration on the subject, and should be confined not so much to the bill for raising an additional army, as the remarks and arguments of those gentlemen who had preceded him on the other side of the House.

And here, he said, he hoped to be permitted first to notice the charge which had been confidently made by a gentleman from New York (Mr. Gold) against the majority of the House, He had asserted (and he seemed to dwell upon the assertion with peculiar satisfaction) that war had been declared by Congress prematurely and without due preparation; that to embark in a war with a powerful nation, without a large standing army, was impolitic in the extreme. This principle, said Mr. A., in the general might be true, but it had certainly no application to this country. Our Government was founded on the broad basis of popular opinion, liable to fluctuation upon the first appearance of any system which might be calculated to destroy the liberties of the people. A laudable jealousy of their rulers throbbed in the heart of every man in the country, who would seize the first opportunity to change an Administration that would raise a standing army in time

of peace, whatever might be the professed objects of such an Administration. From this jealousy the natural result would be, that the men who raised the army would never declare the war which it was intended to wage. He would refer to the Administration of Mr. Adams. An army had been then raised, or attempted to be raised, to defend the country against an anticipated French invasion. The professed object was disbelieved, and the people, apprehending an invasion of their rights, removed from power the men who had voted for the army. All our institutions were repugnant to a standing army in time of peace. Anticipated invasion would seldom justify it, because it might be made a pretext for the purpose at all times, and with the most dangerous views. What had been said by the gentleman from Massachusetts (Mr. QUINCY) seemed to confirm this position, for he had expressed his fears of the army, even in a state of declared war, when that army was to be employed out of the limits of the country; and if jealousy existed at such time, the conclusion would naturally follow, that it would exist to a greater degree in a time of peace. The argument then of the gentleman, if it proved anything, proved too much, because its effect would always be to frustrate the views of the Government, and prevent it from going to war to avenge even the grossest insult, or to assert even its most indisputable rights. But an appeal had been made with much confidence to the history of all Europe, to bear him out in the charge he had made, and it had been said, that no instance of a nation's engaging in a war without having a well regulated and disciplined army could be adduced. This, said Mr. A., will be admitted, but he presumed it was incumbent upon the gentleman to show that some analogy existed between the Governments of Europe and that of the United States, before his argument could have any application to the subject. There the people had no voice in the selection of their rulers. There the arbitrary will of the monarch was the law of the land, and his decrees, however oppressive or obnoxious, were enforced by the hand of power, without a murmur or complaint. There each Government is surrounded by kingdoms powerful and strong, the ambition of whose rulers prompts them to seize upon every occasion to enlarge the boundaraies of their dominions. For one of these Powers, even in the most peaceful condition of the world, to be destitute of a powerful and permanent military force, would evince an inattention to its own security and independence, which would demonstrate the incapacity of its monarch to govern his subjects, or to preserve the integrity of his possessions. But the dissimilarity of the Government and situation of the United States, would show the inapplicability of the gentleman's maxim to this country. Here we have no powerful neighbor whose incursions we dread. Here we are happily removed by a wide extended ocean from those nations, who, upon a declaration of war by us, could overrun the country with a military force, or endanger its civil institutions. Here we have a people proudly jealous of their liberties, who will put down constitutionally every attempt in a state of peace to raise a Military Establishment. To have delayed, then, the declaration of war against England, until the ranks of the army authorized to be raised had been completely filled, would have been a most certain course to have defeated the object which Congress had in view. The jealousies and fears which would have been the necessary consequence of such delay, would have brought into power men of far different views; men who, if the natural conclusion to be drawn from the arguments of some of them could be admitted, would sooner submit to all the indignities we had received from Great Britain, than resist her. The war was therefore not declared prematurely, but was delayed to as late a period as the nature of our institutions would permit. And, if what he had said would not be sufficient to satisfy the gentleman from New York of his error, the army that was so shamefully surrendered at Detroit, if it had been commanded by a man of spirit and fidelity, would long before this, by the possession which it would have given us of an important province of the enemy, have convinced him that war was not declared without preparation. But, for having said so much upon this point, some apology seemed to be necessary upon his part, and he could only say that he had been induced to do so, because, having been one of the majority who voted for war against England, the charge seemed to be an imputation against his character, which the duty every man owed to himself bound him to repel.

It had been said, by a gentleman from Connecticut (Mr. PITKIN,) that the nature of the war had been changed; the principal cause had been removed by the British Order in Council of June 23d, 1812, by which her previous orders were repealed; that it was a well-ascertained fact that war would not have taken place if this intelligence had reached the United States before its declaration; and that the Executive ought to have acceded to the terms, proposed through Admiral Warren, and have terminated the contest. These were grounds which demanded some consideration, and he trusted that he would be able to show, from authentic documents, that his premises were erroneous, and that of course his conclusions did not follow. But he would now admit, for the sake of argument, (what he should hereafter prove incorrect,) that the Orders in Council were the principal cause of the war; he could not, for himself, see how, even then, the war ought in justice to have terminated. Did it follow that minor considerations should be placed out of view or yielded up entirely? Would it have been proper for the Government to have entered into no stipulations for the security of American seamen? Would it have been proper in them, to have claimed on behalf of our citizens no indemnity for the vast amount of spoliations which have been made on the property of American merchants? Unquestionably not. Until these considerations, admitting them to be of minor importance, should have been satisfactorily adjusted, to have made a peace, in his opinion, would have

been the height of impolicy. Sir, said he, it is not sufficient that the injury should cease, but that ample compensation should be made for the commission of the wrong. This was the case every day between individuals in civil society, and why ought not the rule to apply with equal force to States, in their relation to each other? Justice was its foundation, and that would operate upon the one as well as the other. These considerations alone, perhaps, ought to be deemed sufficient to show that the course the gentlemen would have taken would have been unwise. But, supposing them to have no weight, he thought it might be satisfactorily shown that, to have acceded to the terms proposed by the British Government, would have been an actual abandonment of the principal cause which had induced hostilities. To have negotiated without entering into an arrangement in relation to the important interest of impressment would unquestionably have been a relinquishment of the right which we claimed, to be exempted from its exercise. But it was said that was a secondary consideration. From whence was this conclusion drawn? Were we more regardful of the property than the personal liberty of the citizen? Was it taken from an impression which had gone abroad in the country? or from the unofficial conversation of the members of the House? These opinions (if the expression were allowed) he would call extra judicial, and entitled to no consideration. But to show that impressment was the principal cause, he would resort to the best evidence of which the case was susceptible. He would appeal to the archives and records of the country, which in his opinion, would be conclusive, to show what the opinions of Congress were upon that subject. And, in the first place, would call the attention of the House to the report of the committee to whom our foreign affairs were intrusted, which was made on the 29th of November, 1811. After commenting on the operation of the Orders in Council, they say:

"That they are not of that sect whose worship is at the shrine of a calculating avarice, and while they are laying before the House the just complaints of our merchants against the plunder of their ships and cargoes, they cannot refrain from presenting to the justice and humanity of their country, the unhappy case of our impressed seamen. Although the groans of these victims of barbarity for the loss of (what would be dearer to Americans than life) their liberty; although the cries of their wives and children in the privation of protectors and parents, have of late been drowned in the louder clamors at the loss of property; yet is the practice of forcing our mariners into the British navy in violation of the rights of our flag, carried on with unabated rigor and severity. If it be our duty to encourage the fair and legitimate commerce of the country by protecting the property of the merchant; then, indeed, by as much as life and liberty are more estimable than ships and goods, so much more impressive is the duty to shield the persons of our seamen, whose hard and honest services are employed, equally with those of the merchants, in advancing, under the mantle of its laws, the interests of their country."

Again, the same committee, in the report which they made to the House, detailing the causes which should induce the House to declare war, say, (after speaking of the evils flowing from the Orders in Council:)

"That they will proceed to the consideration of another wrong, which has been still more severely felt. This is the impressment of our seamen, a practice which has been unceasingly maintained by Great Britain in the wars to which she has been a party since our Revolution. That they cannot convey, in adequate terms, the deep sense which they entertain of the injustice and oppression of this proceeding. Under the pretext of impressing British seamen, Americans were seized in British ports, on the high seas, and in every other quarter to which the British power extends, were taken on board British men of war, and compelled to serve there as British subjects. In this mode our citizens were wantonly snatched from their own country and their families; deprived of their liberty, and doomed to an ignominious and slavish bondage; compelled to fight the battles of a foreign country, and often to perish in them. Our flag has given them no protection; it has been unceasingly violated, and our vessels exposed to danger by the loss of the men taken from them. That while this practice is continued, it is impossible for the United States to consider themselves an independent nation, for every case produces a new proof of their degradation."

These reports, by the adoption of the measures they recommended, were sanctioned by the Congress of the United States, and may be considered as furnishing strong, if not full and complete evidence, that the Legislative department of the Government considered the impressment of our seamen as the principal cause which impelled them to have recourse to the last resort of injured nations. The opinion of the Executive had been manifested in clear and explicit terms upon the subject, in the Message of the Chief Magistrate of the 1st of June, 1812. Thus we have these concurrent proofs against the assertions of the gentleman from Connecticut, (Mr. Pitkin.) If, then, as it appears clearly to have been, from the documents before alluded to, that impressment was the principal cause of the war, that it was an injury which no independent nation could submit to, without surrendering a portion of its sovereignty; would it not be admitted, even on the ground which had been taken, that, to have terminated the war, by acceding to the propositions alluded to, would have been degrading to the nation, and have manifested the incompetency of the Executive to have conducted with firmness the helm of State which had been submitted to his guidance and direction? And no doubt could be entertained had such an event taken place, but we should have heard denunciations against the Administration proceeding from the very quarter whence they now flow. Then they would have been made with infinitely more justice, because they would have been supported by reason and by truth. We should have then found the opposition appealing to the sympathies of the people, and proclaiming that their most inestimable rights had been surrendered by Government in the pacification; that although they were originally opposed to a war, when it had once been declared

they would have prosecuted it until the claim had been abandoned by the British Government. For, it cannot be concealed that unless, in the present contest, Great Britain can be compelled to relinquish her claim to the right of impressment, unless it be made the *sine qua non* by the American Government, to any arrangement of the existing differences between the two nations, our claim to exemption from the practice must be forever given up, and Great Britain will feel herself at liberty to continue to exercise it with ten-fold rigor and severity.

No language was sufficiently strong to express the astonishment with which he listened to the gentleman from Massachusetts (Mr. QUINCY) on yesterday. It was impossible for him to give utterance to those feelings of abhorrence and indignation which were excited in his breast by the observations which fell from that honorable member. Born and educated in a part of the country where even to think of a separation of the States was almost a treason against that country, little did he dream of hearing, in the American Congress, sentiments uttered which might effectually lead to so disastrous and deplorable an event. And he was the more astonished when these doctrines were attempted to be strengthened with menaces, and glossed with the colorings of wit and satire. He enjoyed, however, some consolation from knowing that

> "When satire flew abroad on faction's wing,
> Short was her life and impotent her sting."

When the honorable member took his seat, he felt an instinctive impulse to rise and vindicate his character from the aspersions he had so wantonly cast upon it; but a night's reflection had convinced him that either nature had not given him sufficient ingenuity to wipe them from it, or that they were unsusceptible of vindication. When the pen of the faithful historian should record the tragic events which might sooner or later take place in this country, when posterity should weep over the ruins of the Republic, and lament the blood of those freemen who should have supported with their lives its Constitution and its liberties, they could not fail to trace its cause to the true and original source. That honorable fame which his talents were so well calculated to earn, would be prostrated; his memory would live, but it would have an immortality which no man would envy, and instead of "convincing his descendants that he did not deserve the chains attempted to be fastened upon him," he might at least give them reason to suspect that he was unworthy of enjoying those liberties his fathers had purchased for him. He had come to the House to-day to conjure the honorable member from Massachusetts, as he valued his reputation, as he prized his honorable fame, as he participated in the honor of his country, to suppress his speech, or to prevent it from meeting the animadversion of the public eye, at least in the shape in which it was delivered. And he called upon him by these considerations, before it was too late, to arrest its progress to the public observation and the public remark. But he feared that the wishes of so humble and inconsiderable a member of the House could have no influence over the leader of a party. He warned him to be cautious, lest he might fall the first victim of those flames which it seemed to be his object to enkindle in the Eastern section of this Union. He advised him to beware, lest he should raise a storm in the country, which it would be beyond the reach of his power to allay, when, perhaps, he most of all might desire it. It would be in such a season that he would have nothing left but the sad consolation to deplore the madness or delusion which could have dictated such conduct.

He understood, Mr. A. said, the gentleman to insinuate that a French influence had fastened itself upon the country. He would disdain to enter into any reasoning to show the absurdity of such an insinuation, which was as groundless as it was wicked. Nor would he deem it necessary, in the vindication of his character against the charge of such an influence, to retort upon that gentleman the charge of a contrary influence, because he would consider it a disgrace and dishonor to the country even to suspect that a single individual could be found who, having first drawn his breath within the limits of the United States, would be base enough to cherish an influence either French or British. He was, therefore, perfectly willing to declare that he did not believe the honorable member from Massachusetts was under British influence. But the gentleman seemed to anticipate a charge of that kind being made against him by the public presses, and, in prospective, declared that he should wholly disregard it. He hoped he might be permitted to say that, if the newspapers should attack him in the manner he had anticipated, he ought to remember that the cause of the attack would lie at his own door, and the speech which he had delivered would form an ample commentary on the charge. Although willing to exonerate him from all British influence and attachment, he could not but believe that he was secretly advocating, and insidiously endeavoring to effect, a disunion of the States. This seemed to be evinced, from the conduct which he had invariably pursued, since he had been a member of the House. What had been the nature of all his speeches? They had been entirely sectional. Had he not often attempted to show that the interests of a particular section of the Union had been prostrated before the overgrown power of another? Had he not, on yesterday, insinuated that a single State was usurping to itself the power of governing the Confederacy? Had he not, upon a former and a more memorable occasion, (memorable alone from the extraordinary sentiments he then delivered,) pronounced it as his deliberate opinion, "that 'the bonds of the Union were virtually dissolved, 'and that it was the duty of some of the States 'to separate, amicably if they could, forcibly 'if they must?" Had he not described the present condition of the country as full of gloom and darkness, and hinted at the dawn of a day which was to succeed? Had he not, in the fic-

tions of a too fertile imagination, fancied himself yoked with a slave to the car of some Southern despot, and did he not say that he would prove to his children that he was was unworthy of such an ignominious bondage? Could the honorable member from Massachusetts possibly wish to find verified the prediction of the infamous Henry, and his still more wicked employers, "that, if ever the Congress should possess 'spirit and independence enough to put their popularity in jeopardy by so strong a measure as 'war, the Federal States would erect a separate 'government for their common defence and com'mon interest?" For what purpose was he sowing the seeds of a deep-rooted jealousy between the States, and endeavoring to rear them to a destructive maturity? It could be accounted for in no other way, in his estimation, when equal justice had been dealt out impartially to all, by the General Government, than by believing what, under other circumstances, it would have given him pain even to suspect, that the honorable member was friendly to a dissolution of those bonds, which connect us together. For the expression of his opinions, he hoped to be pardoned. Facts spoke for themselves, and the conclusion, to his mind, seemed to be irresistible. Notwithstanding all these things, the honorable member had professed to be a disciple of WASHINGTON! If a deviation from the maxims of a preceptor constituted the definition of a disciple, he knew not what a disciple was. He should believe, rather, that he was endeavoring to establish a political sect of his own, on the ruins of Washington's principles. He would earnestly advise him to read (for, if he ever read, he seemed to have forgotten them) the parting admonitions of that illustrious man. Let him have the sentiments contained in his farewell address imprinted on his heart in characters which could never be effaced; let his practice strictly conform to those precepts; let him unsay what he had said; then, and not until then, would he be entitled to the honorable appellation of a disciple of Washington.

If ever this Government should be destroyed, if ever this Union should be dissolved, it would be effected by leading and influential men obtaining elevated seats in the Councils of the nation; professing a sacred attachment to the Constitution of the country, and railing and declaiming at its violation, in all cases, even where ingenuity itself could scarcely torture the acts denounced into an infraction of the most general principle of that instrument. A general distrust excited, a groundless alarm sounded, is not easily removed or hushed into silence. It heightens the perturbation of the public mind, which, in such a feverish state, but too often proceeds to acts, without reflecting on consequences. Against such men, it behooved us to be on our guard, and we had been instructed by a man, whose instructions ought to be imperative, "to frown indig'nantly upon the first dawning of every attempt 'to alienate any portion of our country from the 'rest, or enfeeble the sacred ties which now link 'together the various parts."

The honorable member seemed to triumph over the defeats of his country! Even the toad, "that feeds upon the gloomy vapor of a dungeon," felt some sympathy for its wretched habitation; but the honorable member, enjoying the blessings of a free Government, had no tears to shed for the misfortunes and disasters of his country. What was generally considered disgraceful to the nation, was looked upon by him as "glory." A war, righteous and just, was represented as "immoral, wanton, and cruel." Everything in the moral as well as political world, were attempted to be perverted. Virtue was made to mean vice; a love of country, treachery to its interests; an appeal to the sword, in vindication of our rights, as a virtual abandonment of them—war against one nation, and submission to another.

If, in the present situation of the country, he were called upon to define the duty of a good citizen, he would say that he ought to yield a perfect obedience to the laws; that he ought to further all measures for the promotion of the general welfare; that he ought to aid in the prosecution of the present war, in order that a speedy and honorable peace might be be obtained; that, instead of denouncing the measures of his own Government as "weak and wicked," he should vindicate them whensoever, and by whomsoever, assailed; that, instead of furnishing fuel to a jealousy of one part of the nation against the other, he should endeavor to extinguish it, and to promote union and harmony among all its parts. What the reverse of this picture was, it did not become him to say, but would leave it to those whose conduct and character that reversed picture fitted to determine.

All the rays of light which emanated from the mind of the honorable member from Massachusetts, seemed to fall into the dense medium of party spirit, and to be refracted from their proper course. Hence, he could not discover a single act of the Administration which met his views of national policy. Hence, he had declared that this Government, in its negotiations with Great Britain, never wished to arrange the differences which existed. Is it possible that this can be believed? Is it possible that the gentleman himself could believe it? Have not the Executive, during the two last Administrations, in every act, manifested the utmost anxiety upon the subject? An impartial history of the numerous wrongs of England against this country, will exhibit in the American Government an example of patient forbearance, which the annals of no other country can furnish. Had an opportunity been anxiously sought for, to involve us in a war with England, the attack on the Chesapeake would have furnished an excellent pretext. The popular spirit and indignation was aroused. Had Congress been convened immediately after that event, partaking of the general sensibility, war would have been the consequence. But, anxious to avoid hostilities, every means in the power of Government were resorted to, to preserve peace. Had we not, for nearly five years, been groaning under the operations of the Orders in Council?

Had not Messrs. Monroe and Pinkney been instructed to propose such terms to the British Government on the subject of impressment as would have effectually secured her deserting seamen from being employed in our vessels? This proposition was not acceded to. And, after the treaty which they concluded in 1806 had been rejected by the President, a proposition was made by our Ministers which, with a very slight shade of difference, was the same offered by our Chargé des Affaires at London, subsequent to the declaration of war. Had not the present President of the United States promptly acceded to Mr. Erskine's arrangement? And had the gentleman forgotten the resolution introduced by himself, to return to the President the thanks of the House of Representatives for the promptitude with which he had acted in that affair? Had not the embargo and non-importation laws, of which the gentleman had so bitterly complained, been adopted for the purpose of avoiding war? Such have been the acts of the Executive, which conclusively showed their aversion to a rupture with Great Britain. But what do we find to be the conduct of the President since the last session of Congress? So anxious was he for a restoration of peace, that the intelligence of our declaration of war had scarcely reached England, until the terms upon which its calamities might be arrested were made known to the Government of that country. This, too, was done in opposition to the practice of every country. Terms should be proposed by the Power committing the wrong. Yet this was done to effect a pacification. Had not Mr. Russell urged the subject so far as to excite the *sneers* of Lord Castlereagh? Did not all these things go completely to disprove what had been said? And did they not clearly manifest that the views of our Government had always been pacific, and that they were entirely directed to a settlement of the differences which existed, upon terms honorable to both countries? But these things gentlemen had not recollected, or had endeavored to warp to meet their own purposes. Nothing could reconcile the member from Massachusetts to the Administration. When pacific measures were resorted to in order to heal the wounds the enemy were inflicting, the Government was then declared to be destitute of spirit to vindicate its insulted honor and its violated rights. It was said, the men at that time in power "could not be kicked into a war." And when war has at length been resorted to, the gentleman was more clamorous, and tenfold more cruel in his declamations. The war was denounced as immoral, and one that might have been avoided if an amicable disposition had existed in the Cabinet. These inconsistencies it would become the honorable gentleman to reconcile; and he presumed that some difficulty would be found in convincing any man of intelligence that we were solicitous for a war with Great Britain. What, sir, desirous of a war with a nation whose flag was proudly waving victorious on every sea, a nation that could transport her armies to the most distant shores? The idea was too wild for any man seriously to entertain.

The gentleman had become lately very jealous of a standing army. This, he presumed, was rather in appearance than reality: for, in the journals of the last session of Congress, his name would be found recorded as having voted for the bill for raising twenty-five thousand men, and for filling up the ranks in the old establishment, amounting to ten thousand more. We have then record evidence that the gentleman, last Winter, when the United States were at peace, was in favor of an army of thirty-five thousand men. No jealousy then existed in his mind of an army of that magnitude, even on the Peace Establishment. He never intended that army for war and invasion, for he was opposed to both. And, said Mr. A., he was much mistaken if he had not heard the gentleman offer, as an apology for that vote, that he was always in favor of a standing army to a certain extent. But, now, when the country was engaged in a war with Great Britain, an addition to the Army of twenty thousand men was considered as alarming and dangerous to the liberties of the people. Friendly as he had been to that Administration that had raised a standing army in time of peace, the honorable member ought to be the last to feel any apprehension in time of war of an army little larger than that which in time of peace had received his sanction and approbation.

But, upon the subject of impressment, in order to produce, if possible, union at home, and to remove from our enemy every pretext which otherwise she might have for the continuation of that degrading practice, he was perfectly willing to give his sanction to a law which should exclude British seamen from the public ships and merchant vessels of the United States; but he would not advance a step further in negotiation. And if, upon the passage of such a law, Great Britain would refuse to terminate hostilities, we should prove to the world that no efforts on our part were left unexerted to bring about a peace not inconsistent with the interests or honor of either country. But he despaired of any measure producing union at home, when it had been declared by the honorable gentleman, to whom he had occasion so often to allude, that he would not unite unless we would give over the invasion of Canada, and cease at once all hostile preparations. Did he wish the Government to lay a loyal petition at the foot of the throne, and humbly beseech His Majesty to forgive us our errors, and take us under his royal protection? No, sir; history would show that this was not a proper plan to pave the way to peace with England. He would consider the proposition of the gentleman, if adopted, as a degradation to the nation, and sooner than submit to it he would forego all advantages to be derived from a union of sentiment. He would continue the war until the latest period of his life, and his parting breath should be spent in admonishing his children to continue the contest. Was it possible that we could suffer our native-born citizens to be seized by a foreign Government in violation of every right either human or divine? Even in the worst and

most degraded periods of the histories of Greece and Rome, such an injury would not have been tolerated. There it was considered honorable and glorious to die for one's country. But here self-interest, the predominating vice of civilized society, had seized upon the heart and frozen up its most generous sentiments. The love of gain corrupts and vitiates the best principles of man's nature, and we are to exhibit ourselves to the present generation, and to posterity, as the standing and solitary monument of a nation free and unwilling to assert her rights—of a people jealous of their liberties, and reluctant to vindicate their honor. Yes, sir, said he, ingloriously abandon the contest, and we should become "a fixed figure for the hand of Scorn to point its slow unmoving finger at." Why did we love the Government under which we lived? Because of the blessings it was calculated to bestow on us and our descendants. Because it threw around the property and liberty of the citizen the mantle of its protection. Would gentlemen remove this safeguard and throw the liberty and personal security of the citizen open to the violation of every country that felt a disposition to infringe on our rights? He hoped not. He had too high an opinion of the principles which pervaded the country at large to suppose such a step possible.

It had been said, by a gentleman from Connecticut, that an ingenious catalogue of the causes which had produced the war, had been drawn up, and that it was folly to have gone to war until the cause of it was felt by every man in the nation. For his part he could not see that much ingenuity was required to discover that our vessels had been pillaged—that our citizens had been seized by British press-gangs; and if he had not discovered it before that "ingenious" catalogue was made out, he had a much smaller portion of ingenuity than he had supposed him to possess. He would ask him if the Orders in Council were not felt in every part of the country? Did not the Eastern States feel them, in the depression of their commerce and navigation? Did not the Southern and Middle States feel them, in the reduced prices of the productions of the soil?

Mr. A. declared that, notwithstanding the clamor of French influence and French alliance, he felt no apprehensions upon that subject, as he was well convinced it was not the intention or wish of our Government to engulph us in the unfathomable vortex of European warfare. One word to the gentleman from New York (Mr. GOLD) and he had done. It had been considered by him as a most unfortunate circumstance that we should be engaged in a war with Great Britain when Russia was struggling for her independence. The most amicable relations existed, it was true, between Russia and the United States; but would the gentleman have us on that account to submit to every species of indignity from the ally of that Power? He beheld with as much detestation and abhorrence the conduct of the French Emperor as any man could possibly do. His ambitious progress was every where marked with blood. The vengeance of Heaven, he trusted, would arrest him in his career to universal conquest and dominion. The present condition of Russia, although her people groaned under a despotism of the most unrelenting nature, must excite the sympathy of every man in this country, because she was contending for her independence, and he would wish her complete success in the war in which she was now engaged, but that her triumph would protract the restoration of peace to his own country.

Mr. GRUNDY.—Mr. Speaker, had this debate been confined to the bill before you, I should certainly not have troubled the House with any remarks of mine; but as the gentlemen opposed to the war in which we are engaged have selected this as a fit occasion to bring before this House and the nation a full view of all the relations which exist between this and other countries, an apology at least is furnished for a member of that committee, to whose examination these subjects have been confided, to give his ideas upon the various points suggested. This I shall endeavor to do with temper and moderation. Neither invective, philippic, nor slander, shall constitute any part of what I have to say. To minds capable of feasting on food of that sort, I shall entirely leave the unenvied task of giving the portrait of a drawing-room, and of describing Eastern democracy on this floor.* To me, sir, it affords no pleasure to inflict pain on others, and therefore, although the gentleman from Massachusetts (Mr. QUINCY) merits all the severity which can be permitted in this House, I shall forbear. I will not charge him with British influence, or with having such strong English partialities, that there is no room left for his own country. This may possibly not be the case; for, notwithstanding all we have seen and heard, it should be remembered that we are so constructed, that the strongest appearances, at times, deceive us. I will now proceed to state, as accurately and as concisely as I am able, the manner in which the points in difference between the two nations ought to be considered.

Upon some of the subjects in controversy, for instance, that of impressment, negotiation had been tried unsuccessfully for twenty years, as I will show before I sit down, from the public records of the country; on others it had been tried for a shorter period. At the last session of Congress, when every hope of obtaining justice in any other way was lost, the United States declared war, not to procure a repeal of the Orders in Council only, but to obtain redress for the unjust spoliations which had been committed on the property of American citizens, and to cause

* Mr. Grundy, in this place, as well as other speakers, who preceded and followed him in debate, are understood to have had allusion in this remark to certain offensive observations of Mr. Quincy, which do not appear in the printed report of his speech, as corrected by himself. One of these expressions designated the Eastern democrats, among other opprobrious epithets, as toads, or reptiles, which *spread their slime in the drawing room.*

Great Britain to cease the practice of impressment. Other causes of irritation existed, but these were the prominent causes of the war. It may be taken as granted, in this discussion, that those orders are revoked, notwithstanding the objectionable manner of the revocation. You are now asked to lay down the sword before you have obtained any of the objects of the war, except the abolition of these obnoxious orders. I request gentlemen to reflect, whether this is not, in point of fact, an abandonment of the other points in dispute? Do you not, by ceasing to prosecute the war which is already commenced, declare, in the strongest possible terms, that you will not make war for the injuries which remain unredressed? Can any man persuade himself that you will obtain that by negotiation for which you have determined you will not fight! and that, too, from a nation at all times disposed to depress this growing country? That politician must have a very imperfect knowledge of the considerations which influence all Cabinets, who does not know that the strongest inducement which can be brought to operate in favor of an injured nation, is the apprehension of retaliation, or fear of war, entertained by the other party. I cannot, perhaps, establish this more clearly in any other way than by recurring to the history of a transaction which took place between the United States and Great Britain. Immediately after the attack on the Chesapeake, this Government demanded reparation. The terms proposed were reasonable, and such as a nation, inclined to act justly, would promptly have acceded to. For five years, or more, did the British Government refuse, or rather fail, to make that arrangement, which, at the last session, produced a satisfactory adjustment on that subject. Why, sir, was justice so long delayed, and why was it at last obtained? The British Minister discovered a determination in Congress to submit no longer. He saw that, unless something was done, friendly relations between the two countries must immediately cease. He saw that public sentiment called so loudly for an opportunity of obtaining that justice by force which had been refused to fair argument, that he granted us that reasonable satisfaction which had been so long withheld. Sir, had he not seen the approaching storm, no atonement for that wanton outrage on our national sovereignty had yet been made. If you now say that you will not prosecute the war, the enemy must view it as a decision pronounced by this Government, that war shall not be waged by the American nation for the impressment of her citizens, or for depredations committed on commerce. It might as well be said, in plain, intelligible language, that the ocean is to be abandoned by the people of the United States, except so far as depends on the will of Great Britain. If both the property and liberty of American citizens on the ocean are subject to her disposal, you cease to possess the rights of a sovereign and independent nation. For my own part, if we have the right to claim security for the liberty and property of our citizens against that nation, of which no man dare express a doubt, I am for asserting it until the object is attained, or the ability of this nation fails; of the latter I have no fear.

It is pretended, that this Government is not desirous of peace, and that this is a war of conquest and ambition. I beg gentlemen to refrain from making statements which they themselves do not believe. After the declaration of war, what has been the conduct of the Executive? Through Mr. Russell, our Chargé des Affaires at London, they have offered to conclude an armistice on terms which would remove every pretext for complaint on the part of Great Britain. He proposed that this country should exclude from her service British seamen. It is true that Lord Castlereagh urged Mr. Russell's want of powers, and stated that the American Congress alone could make the necessary provisions on that subject. If, however, sincerity had existed with the British Ministry, a temporary arrangement could have been made, by which hostilities would have been suspended until the legitimate authorities of this country could have expressed an opinion. If Mr. R. had not adequate powers to conclude an armistice, the proposition made by Mr. Monroe to Admiral Warren was not liable to the same objection. In substance, both propositions were the same; to the latter, no offer of compliance has been tendered. If I have any objections to the late overtures made by the Executive, it is that too great an anxiety for peace is manifested; but when the nature of our institutions is consulted, a strong propensity for domestic quiet is discovered; and, therefore, the Administration should be indulged in any measure calculated to restore harmony between the two countries, provided the honor and interests of the nation are not compromitted.

I ask gentlemen in opposition to lay aside party feelings, and reflect whether, if we now recede, points are not conceded to the enemy, which they would not yield if in power. They affect to be the followers of WASHINGTON. I will show them what his opinions were on the subject of impressment. From them the pretended Washingtonians of the present day will discover their degeneracy. Yes, sir, the Father of his Country too well understood the value of liberty ever to consent that the most obscure individual of his country should be deprived of it by a foreign despot. So early as the year 1792, the British nation commenced the practice of impressment, as now exercised by it. On the 11th day of June, in that year, the then Secretary of State addressed a letter to Mr. Pinkney, the American Minister at London, in which the practice of impressment is strongly reprobated; and let it be remembered, that although this letter was written by the Secretary, it contained the sentiments of the President of the United States. In order that the House may more fully comprehend what were the sentiments of that man, whose memory we all venerate, I will read so much of the letter referred to as relates to this subject:

"The peculiar custom in England of impressing

seamen on every appearance of war will occasionally expose our seamen to peculiar oppressions and vexations. It will be expedient that you take proper opportunities in the meantime of conferring with the Minister on this subject, in order to form some arrangement for the protection of our seamen on those occasions. We entirely reject the mode which was the subject of a conversation between Mr. Morris and him; which was, that our seamen should always carry about them certificates of their citizenship. This is a condition never yet submitted to by any nation—one with which seamen would never have the precaution to comply. The casualties of their calling would expose them to the constant destruction or loss of this paper evidence; and thus the British Government would be armed with legal authority to impress the whole of our seamen. The simplest rule will be, that the vessel being American, shall be evidence that the seamen on board her are such."

If, at so early a period, the right of search for men was objected to by this Government, how much more forcible is the objection now? We were then a young nation; we have since increased in resources by which our rights can be maintained; whilst the violation of those rights have been augmented in a greater degree. On the 6th of November, 1792, the Secretary of State wrote to the American Minister at London a letter, in which, when speaking on the subject of impressment, the following language is used: "It is unnecessary to develope to you the inconveniencies of this conduct, and the impossibility of letting it go on. I hope you will be able to make the British Ministry sensible of the necessity of punishing the past and preventing the future." I know, Mr. Speaker, that there is danger of fatiguing the House by recurring to documents of this sort, but my apology is a good one: those to which I refer have never been printed for the information of the members of this House, nor have the public had an opportunity of inspecting them. I hope, therefore, to be indulged in pursuing the sentiments of former Administrations further on a subject of so much interest. On the 20th of February, 1800, Mr. Pickering, Secretary of State, addressed the President of the United States on the subject of a proposed treaty between the two countries, upon which occasion he makes the following remark: "That he transmits Mr. Liston's note of the 4th of February, together with his project of a treaty for the reciprocal delivery of deserters; which appears to the Secretary utterly inadmissible, unless it would put an end to impressment; which Mr. Liston seemed to imagine, while the seventh paragraph of his project expressly recognises the right of impressing British subjects, and consequently American citizens as at present." Mr. Wolcott, Secretary of the Treasury, when giving his opinion to the President, says—"That the project of a treaty proposed by His Britannic Majesty for the reciprocal delivery of deserters from the land and naval service does not sufficiently provide against the impressment of American seamen, and is therefore deemed inadmissible."

Mr. Stoddert, who acted as Secretary of the Navy, at that period, when advising the President on the same subject, says—"That the Secretary is clearly of opinion that it is better to have no article, and meet all consequences, than not to enumerate merchant vessels, on the high seas, among the things not to be forcibly entered in search of deserters."

The letter of the present Chief Justice of the United States to Mr. King, Minister at London, dated on the 20th of September, 1800, places this subject in a strong light; he says—

"The impressment of our seamen is an injury of very serious magnitude, which deeply affects the feelings and the honor of the nation. This valuable class of men is composed of natives and foreigners, who engage voluntarily in our service. No right has been asserted to impress the natives of America. Yet they are impressed; they are dragged on board British ships of war, with the evidence of citizenship in their hand, and forced by violence then to serve until conclusive testimonials of their birth can be obtained. These must most generally be sought for on this side the Atlantic. In the meantime acknowledged violence is practised on a free citizen of the United States by compelling him to engage and to continue in foreign service. Although the Lords of the Admiralty uniformly direct their discharge on the production of this testimony, yet many must perish unrelieved, and all are detained a considerable time in lawless and injurious confinement. It is the duty as well as the right of a friendly nation to require that measures be taken by the British Government to prevent the continued repetition of such violence by its agents. This can only be done by punishing and frowning on those who perpetrate it. The mere release of the injured, after a long course of service and of suffering, is no compensation for the past and no security for the future. It is impossible not to believe that the decisive interference of the Government in this respect would prevent a practice, the continuance of which must inevitably produce discord between two nations which ought to be friends to each other."

In another part of the same letter, Mr. Marshall observes, "the United States require positively that their seamen who are not British subjects, whether born in America or elsewhere, shall be exempt from impressment."

From these documents we clearly collect what was the view which the first and second Presidents of the United States had on this subject, and that of the principal officers of the Government. It appears that this exemption from impressment is no new claim set up by men now in power. It is as old as the Government itself, and there never has been, nor can there be, an Administration in this country who dare surrender this point to any foreign Power. Once relinquished, we had as well abandon the ocean altogether. If the liberty of American citizens is to be subject to the will, not of the English Government, but what is infinitely worse, of every petty officer that navigates a British ship, it is in vain that we boast of freedom; we do not possess it; and only let the British Government understand you distinctly on this point, and you need talk no more of American commerce. When the gentleman from Massachusetts declaimed so

feelingly in favor of the innocent Canadians, I was astonished that he expressed no sympathy for the sufferings of the thousands of Americans who have forcibly been dragged from their country, their friends, their families, and everything that is dear to man! and compelled to serve on board the vessels of the enemy, even against their own country. If there be nothing in the East which can awaken his sympathies, I ask him to turn his eyes to the West; he will there see that we have lost our fathers and our brothers. Our children have been butchered in their cradles; our mothers, our sisters, our daughters, and our wives, have been led into savage captivity. If, sir, that gentleman has his feelings so enlisted on the side of the enemies of his country as to be unable to sympathize with us, I will not, I cannot acknowledge him as my political brother. Mr. Speaker, I name the gentleman from Massachusetts particularly, because he has pre-eminently distinguished himself above his fellows in this debate; they have deigned to reason upon the subject, but this course is too dull for him. Not content with denouncing everything that has occurred for twelve years past, and railing against the present, he has gone into futurity, and predicted the events which are to take place for four years to come. I beg the gentleman from Massachusetts to recollect that he treads American soil. I entreat him to remember the country in which he was born, and for which his father fought. Sir, the shameful surrender of the American army at Detroit astonished me when I heard it; but now astonishment ceases, after what I have seen and heard on this floor. It is not strange that treason should be found in the camp.

Gentlemen on the other side have spoken of our misfortunes on land; this seems indeed to constitute the burden of their song, and they attribute them in a great degree to the ill-management of the Executive. If they will look fairly into this subject, they will find the true cause originating in this House; they will see that the disunion which prevails here extends itself throughout the country; and this it is that renders the American arms feeble and inefficacious; and they will also discover that the enemy sees in that invidious line, which separates the political parties in this House, a sure indication of that severance of the States, upon which Great Britain builds her hopes. Sir, I ask the gentleman from New York (Mr. GOLD) why he has dwelt with such peculiar pleasure upon the distresses now prevailing in the Army, which he affirms have not yet reached their highest limits? If the gentleman intended by this to discourage the recruiting service, his object is certainly not his country's good; but I trust his predictions will not be verified; it must be known to him that raw troops are always liable to diseases, from which those accustomed to the camp are exempt; all experience in military operations proves this fact.

Some gentlemen allege that it is immoral, and even irreligious, to attack the Canadians, because they have done us no harm. Such political opinions are formed on a very limited and contracted basis. Is it not known that in every war the innocent and unoffending citizens or subjects of a community suffer for the crimes of their rulers? What injury had those British sailors done us who fell in the several engagements with Captains Hull, Jones, and Decatur? Not only had they committed no wrong on us, but never had they in all probability conceived a thought to do so. They fell innocent victims to the ambition of their tyrannical master.

It is pretended that French influence has found its way into our councils. Sir, they who make these insinuations do not themselves believe them; they use them to deceive those who have not a fair opportunity of judging for themselves. Look at the instructions given by the Executive to our Ministers at Paris and London: they require from France indemnity for past injuries as a preliminary to negotiation. From England we ask only that she cease to injure us, and we will negotiate for the past—showing evidently a disposition to act more rigidly towards France than England—and, if either Power has cause of complaint, it is clear England has none. Sir, that France has injured this country all admit. For myself I am no apologist for the French Emperor; but I do not possess such enmity against any nation as to forget what is due to my own. If this Government had the power to humble the tyrant of continental Europe for the injuries he has inflicted upon us, I would unite with the gentleman from Massachusetts in pronouncing its accomplishment, "the celestial glory of America," instead of applying those expressions to the disasters and misfortunes of our own country. But, sir, after all the defeats of which gentlemen speak so boastingly, and convert into causes of triumph to themselves, I feel not discouraged. True, one general officer may prove a traitor, another may mismanage a campaign, but the American soldiery have never disgraced themselves or their country; they have in every contest evinced firmness, bravery, and skill. They only want a leader worthy to command an army of freemen, and they will transmit to their posterity the blessings of liberty, or perish in the attempt.

It has been said, by a gentleman from North Carolina, (Mr. PEARSON,) that, if we exclude British seamen from our service by law, one of two things must happen, either a peace would be the result, or the people of this country *all* unite in a vigorous prosecution of the war. If I have mistaken the meaning of the gentleman, I wish him to correct me at this time, and answer the question directly, if, in that event, he will support the war? [Mr. PEARSON explained.] Mr. GRUNDY proceeded: Sir, from the explanation given, it will, I fear, be as difficult to come to an understanding with that gentleman, as it is to accommodate the points in dispute with the British Ministry; for, although the gentleman says he will not surrender an essential right of the country, a question might be made by him as to what were essential rights. I will, nevertheless, Mr. Speaker, make one more effort to elicit the opinion of the gentleman on this subject. I ask him whether

he considers the impressment of American seamen "a violation of an essential right of this country?" [Mr. Pearson said he so considered it.] Then, said Mr. Grundy, from the gentleman's own declaration, he is bound to support us in the war, if the principle of impressment is not relinquished by Great Britain. I have no hesitation in saying, that, in a time of peace, I am willing British seamen, not naturalized in this country, should be excluded from our service. I believe that such a regulation would inflict no injury or inconvenience on the country. Whenever, therefore, a proposition to this effect is made, so as to take effect at the conclusion of the war, I shall vote for it. I consider it a direct encouragement to our own seamen, calculated to foster and cherish the enterprise and industry of that important class of our citizens. Sir, the gentleman from Massachusetts has touched a topic peculiarly delicate, as I had supposed to *some men* in this country: I allude to the disclosures made to this Government by John Henry. The gentleman charges the Administration with having wantonly wasted fifty thousand dollars of the public money in purchasing documents of no intrinsic value. I have no knowledge of the sum given, or that anything was given for this disclosure; but, if a million had been given, I, for one, should not have thought it too much, were I satisfied that it could not have been had for less. Sir, that disclosure taught the people of this country knowledge which could be acquired in no other way. It affords an authentic historical fact of the perfidy of the British Ministry, which must excite against them the execration of the civilized world. It ought to warn the people of the United States, to read with caution the newspaper essays, masking, under professions of patriotism, the productions of foreign influence and gold.

I will now, sir, reply to a remark made by my friend from Virginia; and I take this opportunity of entering my protest against the doctrine which he advanced. He says, we must have an augmentation of the regular force, to put down insurrection at home. I disclaim the idea. We want an increase of the Army to fight against the enemies of the country, and not to turn their arms against their brethren. Sir, I do not fear insurrection. The factious members of this House may vapor much, and evince a strong disposition to do mischief, but, in the sober good sense of the people at home there is a corrective. There is too much intelligence in every quarter of our country to sacrifice the Constitution—the ark of our political safety—to promote the views of an ambitious faction.

A few words, sir, on the provisions of the bill before you, and I have done. It contemplates enlistments for one year, and this is considered objectionable. I admit the force of the objection: five years' men are better than those enlisted for one year. But, let gentlemen reflect, as the honorable member from Virginia (Mr. Pleasants) told them the other day, that the question is, not what kind of force is best, but what is the best within your power, taking into view the time at which you wish them to act. Five years' men, to the number wanted, you cannot get; those for one year you can. The question is not whether men on long enlistment are not better than those enlisted for a shorter period, but whether a force of the latter description is not better than no force at all. I do feel astonished that gentlemen who have declared the war, and are responsible for the prosecution of it, have not paid more attention to the course of argument observed by the Opposition. At one moment they tell you that you cannot get a sufficient force on long enlistments, and in the next breath they deprecate short enlistments. Militia and volunteers have been long since denounced by them as inefficient, and the employment of them a useless waste of the public treasure. On what species of force, then, Mr. Speaker, must we rely? If this side of the House will be misled by the crooked councils of the Opposition, we who have declared the war must carry it on without an army; and, instead of producing an acknowledgment of our just rights, our imbecility will become proverbial; our enemy will despise and pity us, and the people will justly frown us into retirement.

I am of opinion that this bill, if passed, will be productive of great good. The force will not only be useful for twelve months, but it constitutes an excellent fund out of which to draw men on to longer enlistments, should the exigencies of the country require it. I submit to the gentleman from Virginia, whether he has used the experience acquired in the Revolution to the best advantage? He says the first enlistments were for six weeks, then for three months; and the time was thus regularly increased, until, at last, enlistments were made during the war. He also says, that the frequent expiration of service produced great inconveniencies. No doubt this was the case. But, has the gentleman reflected on the probable consequence to the country, at that period, had the then Congress only authorized those to be enlisted who would engage to serve during the war? Is he certain that an army would have been obtained at all? I am of opinion, that, after you have men in the field, and after they become attached to a military life, it is easier to prevail on them to remain, than to induce them to abandon their domestic attachments, and join the Army in the first instance.

Mr. Troup said, that observations had fallen from certain gentlemen, which merited reply and deserved correction. The two gentlemen who had just sat down (Messrs. Grundy and Archer) had noticed some of those observations in a handsome manner, and had given the appropriate answer. There yet remained some points which it would be proper to notice; it was the comparative decorum with which they were made that entitled them to respect. The gentleman from Connecticut (Mr. Pitkin) had declared that this Government had insisted in past time, and did still continue to insist, that the American flag should cover all descriptions of persons sailing under it, and that this perseverance in an erroneous principle had been the cause of the war, and of all

the calamities the nation had suffered. Mr. T. said, he was the more surprised to hear a round, unqualified declaration of this kind from the gentleman, because he had given repeated proofs to the House of the attention which he bestowed on the public documents, and the assiduity with which he had studied them; there were two of them, especially, which the gentleman must have read, and, reading, could not fail to have remembered; one of no very remote date, the other very recent, and very interesting; it would be doing injustice to the gentleman to believe they were not strongly imprinted on his memory, yet did both those documents more plainly and directly contradict the allegation of the gentleman. Long before the period, however, to which I refer, Mr. King, our Minister at London, had written to the Secretary of State "that, on this subject, viz: 'impressment) we had again and again offered to 'concur in a convention, which we thought prac-'ticable to be formed, and which would settle 'these questions in a manner that would be safe 'for England and satisfactory to us." (Letter 15th March, 1799.) The first document after this is a letter of instruction from the Secretary of State to Mr. Monroe, Minister at the Court of St. James, dated May 29th, 1807, soon after the failure of the treaty concluded by himself and Mr. Pinkney, and is to the following purport:

"It is agreed that, after the term of —— months, computed from the exchange of ratifications, and during a war in which either of the contracting parties may be engaged, neither of them will permit any seaman, not being its own citizen or subject, and being a citizen or subject of the other party, who shall not have been for two years at least, prior to that date, constantly and voluntarily in the service or within the jurisdiction of the parties respectively, to enter or be employed on board any of its vessels navigating the high seas; and proper regulations, enforced by adequate penalties, shall be mutually established for distinguishing the seamen of the parties, respectively, and for giving full effect to this stipulation."

Here, then, is documentary evidence that, so far back as the year 1807, the American Government had tendered to the British Cabinet a proposition, the effect of which was to exempt from the protection of the American flag, or, what is the same thing, to exclude from the American service every description of persons, saving American native-born and naturalized citizens. Does the gentleman insist that the naturalized citizen should not be protected? If he does not, will he authorize the British to search and impress, though the American Government should prohibit, by all the penalties of law, foreigners of any description from entering into the service of her merchant vessels? Does he mean that we shall be exposed to the vexatious practice of search and impressment, notwithstanding the Government shall do everything in its power to prevent British subjects from entering into its service? But, Mr. Speaker, if the proposition of Mr. Monroe did not go far enough for the gentleman, the proposition of Mr. Russell unquestionably did. Here it is:

"I finally offered, in order to answer at once all the observations and inquiries of Lord Castlereagh, that the proposed understanding should be expressed in the most general terms. That the laws to take effect on the discontinuance of the practice of impressment should prohibit the employment of the native subjects or citizens of the one State, excepting such only as had already been naturalized, on board the private or public ships of the other. Thus removing any objection that might have been raised with regard to the future effect of naturalization or the formal renunciation of any pretended right."

The effect of this proposition of Mr. Russell, sir, is not only the exclusion of British subjects from American employ, but the exclusion of British subjects who may in future be naturalized in the United States. Hence our flag would have covered none but native Americans, and such British subjects as had been before naturalized. Having employed the power of the country; having resorted to all the pains and penalties which the law can provide to prohibit this description of persons from serving on board American vessels, will the gentleman, notwithstanding, insist that British commanders shall enter our vessels to make search for seamen? If, notwithstanding the prohibition, it were permitted to British officers to make search for seamen, the prohibition had better not be made; the practice might as well go on in all the latitude of tyranny and oppression which has distinguished it.

The gentleman from North Carolina (Mr. PEARSON) has been pleased, in the course of his observations on this subject, to offer to the House a project for a peace. He would have the Legislature to pass laws prohibiting the employ of British seamen in our service, leaving the President to make a tender of those laws through fit and proper characters to the British Government as the basis of an adjustment. The gentleman is to accomplish two objects by his project—a union of parties and a peace with the enemy; both objects, sir, are not less interesting to me than to the gentleman; but, I very much doubt, Mr. Speaker, whether either of them be attainable. The gentleman not only requires a specific form to be given to the proposition itself, but it is an essential condition on which he is to enter into the Union, that the proposition be tendered to the British Government by such characters as he will approve; by men, as he says, without office and without expectation of office. Now, sir, although it may not be very difficult to find men who do not hold office; it would seem to me to be extremely difficult, if not impossible, to find men without expectation of office; and yet the gentleman would be under no obligation to unite with us unless his project were tendered to the British Government by such men. Mr. Pinkney had passed for a Federalist both in this country and England; he had tendered a very important proposition to the British Government; but as the gentlemen on the other side had always doubted the sincerity of the Government in making that overture, it is to be presumed that whatever confidence they might have had in Mr.

Pinkney as a politician, they had ceased to respect him as a fit person to make propositions to the British Government. Sir, I fear it is as difficult to unite parties as to conciliate the British Government. Both the gentlemen from Connecticut and North Carolina have mistaken the character of that Government; she is not to be conciliated. If they sincerely want peace, they must employ the resources and energies of the country to coerce it. This is susceptible of proof; repeated overtures have been made in the most amicable spirit, and have been uniformly rejected, and under circumstances which left no doubt of the lurking hostility which dictated the rejection.

The proposition of Mr. Monroe of 1807 had failed; the proposition of Mr. Pinkney of 1810 and 1811 had failed; the recent proposition of Mr. Russell had failed. Of the first, I have already spoken. Give me leave to say something of the second. The failure of the second proposition, viz: to continue the non-intercourse against France, repealing it as to England, provided England would rescind her Orders in Council, is one of the most extraordinary and unaccountable occurrences in political history. Be it remembered, sir, that this proposition was substantially a proposition to go to war on the side of England against France, provided England would rescind her orders—France continuing her decrees. I say this was the proposition, substantially, because this was the inevitable effect of it, to place the United States in the same relation to England as they are now placed in relation to France—not with a view, Mr. Speaker, to an alliance with either; far from it; but, to the ultimate vindication of their own just rights against the aggressions of either of them—warring for themselves, and for themselves making peace. But, most strange to say, Mr. Speaker, this voluntary tender of our friendship was disdainfully rejected; at a period, too, when England, pressed by a formidable war, was standing as it were on her last legs—all Europe united against her—and when, according to her own declaration, her very existence was at stake; when, too, the single condition of this friendly proposition was, that England should recall a measure, which, but a short time after, she was forced to abandon to the clamors and distresses of her own people. No, said England, we want not your friendship; it is of no value to us; you have not courage and fortitude to defend, manfully, your own just rights, and how can I expect that you will render important service to me? It is altogether impossible, sir, to account for the conduct of England, without supposing her to have entertained such sentiments. And will the gentleman from North Carolina flatter himself with the belief, that after the failure of such a proposition, England is to be conciliated by his project—a project substantially the same as that of Mr. Monroe of 1807, and identically the proposition of Mr. Russell in 1812? But, the gentleman derives hope from the ground on which Mr. Russell's proposal was rejected. Mr. Russell, says the gentleman, was not regularly commissioned, nor was he formally instructed to make the proposition in the latitude in which he tendered it. But, sir, was not the letter of the Secretary of State a sufficient commission for him? And, suppose Mr. Russell, consulting the spirit rather than the letter of his instructions, had given to the proposition a somewhat more liberal character, it was not on this ground the proposition was rejected; it was rejected, as Lord Castlereagh expressly said, because England would never consent to entertain any proposal which went to abridge her right of impressment; that any arrangement for the limitation of this right was impracticable, and had always been so; that it was true, on this subject, their *friends in Congress*—meaning the *Federalists*—had believed in the practicability of an arrangement; but they were mistaken. Mr. King was as far from accomplishing it as Mr. Monroe. That, in fact, it was in vain to negotiate about it. Popular feeling would not permit them to make any concession upon the subject This is the language of Lord Castlereagh. But, suppose it had not been: If the British cabinet were sincerely disposed to listen to the proposal, they would have said so, notwithstanding any objection which could have been taken to the authority or power of Mr. Russell. Lord Castlereagh would have said, for instance, that the proposition was a fair one; that, if offered by an agent with full powers, it would be entertained if inconvenient to make it the basis of negotiation at London, it might be made the basis of negotiation at Washington. But this, sir, never entered into the head of Lord Castlereagh. The answer to Mr. Russell was, that the thing was wholly impracticable, and had always been so. But, the gentleman desires us to repeat the same proposition, that we may receive the same answer.

I trust, sir, by this time, I have been able to satisfy the gentleman that England is not to be conciliated. Will the gentleman and his friends unite with me in a project of coercion—a project in which I have no less confidence than the gentleman from North Carolina in his own; yes, sir so much confidence that I would almost be tempted to make a bargain with the gentleman to take any of their projects, however fanciful, if, within a reasonable time, the enemy did not yield to united councils and an active war. My project is *embargo*—an immediate, entire, and rigidly executed embargo, embracing as well the coasting as foreign trade, and, if you please, sir, a provision by law for naturalizing British seamen, voluntarily entering into the service of the United States, *during the war*—the converse of the proposition of the gentleman. An embargo may be resorted to at this moment with comparatively little sacrifice: the foreign trade is inconsiderable; the coasting trade is almost entirely interrupted. The effect of an embargo would be,

1. To keep our own commerce safe at home leaving the commerce of the enemy exposed to the assaults of our privateers and public vessels;

2. To distress the enemy at home, in his colonies, and on the Peninsula;

3. To give ten-fold vigor to the war, by making a diversion of men and of capital in favor of

our privateers, and of men in favor of our public vessels;

4. To facilitate the reduction of Canada, by creating partial scarcity, at least—perhaps absolute distress.

Now is the moment, Mr. Speaker, for this embargo. The British papers announce that the price of bread has risen on the heel of the harvest, though the harvest has been described as abundant. The proclamations of the Prince Regent prohibit the conversion of grain into starch and the use of grain in the breweries. Can we have stronger evidence of apprehended scarcity? Sir, of the force and effect with which this measure may be wielded against the enemy, we do not want more decisive proof than that which the enemy himself has furnished—proof which is a source of triumph and exultation to every American. Two facts were unfolded. First, by the examination before the British House of Commons, it had been shown that if the British people were not at all times and under all circumstances absolutely dependent on us for a market for their manufactures, they were at this time and in the present state of the world absolutely dependent; second, that if not always, and in every state of things, absolutely dependent on us for supplies of provisions, they were in the present state of Europe absolutely dependent. I beseech the gentlemen, therefore, to take the embargo as a sure measure of attaining what they profess so much to desire—peace. But, sir, the other measure which I tender to the gentlemen, though not so powerful and efficient against the enemy, is not less interesting: The protection of seamen of every description, during the war, who shall be found fighting under the American flag—to naturalize the seaman voluntarily enlisting on board the armed vessels of the United States, and having naturalized, to protect him with the power of the country.

Whatever, Mr. Speaker, have been our misfortunes or reverses on the land, we may enjoy the consolation that the gallantry and skill of our seamen will make the war, if not a short, yet certainly an honorable one for the country; the war was undertaken chiefly for them; they will be chiefly instrumental in waging it, and I have no doubt they will make it a glorious one for themselves and for all of us; but they ought to be protected. Whatever be the description or character of the seaman fighting under the American flag, that seaman ought to be protected. Not a hair of his head should be touched by the enemy with impunity. In considering, Mr. Speaker, the right, propriety, and justice, of adopting this regulation, we are naturally led to advert to the British doctrine and practice on this subject; and here I beg leave to remark that it is scarcely possible for the imagination to conceive anything more inconsistent and contradictory than the British doctrine and practice. She sets up a principle of public law—be it arbitrary or be it sound, no matter—she requires the observance of it from all other nations as a settled principle of public law. So long as it suits her to respect, she respects it; whenever it suits her to violate, she violates it; her principle is, that allegiance is natural, perpetual, and inalienable; that it is born with the subject and descends with him into the grave; that once a British subject, always a British subject. She enforces this doctrine when she impresses from American vessels naturalized citizens; she enforces it when she threatens with death, as the Prince Regent has recently done in his proclamation, the British seaman of any description who may be found fighting under the American flag. She violates the doctrine, she tramples it under foot, when she declares by statute, that the American seaman entering voluntarily into her service, and continuing two years, is *ipso facto* naturalized. She violates the doctrine, she tramples it under foot, when she declares by statute, that the American seaman, contracting marriage with a British subject, is *ipso facto* naturalized. Thus, while in practice she contemns her own doctrine, she holds out every lure and temptation to the American seaman to desert the service of his country. It is not of much importance to us, Mr. Speaker, what doctrine the British Government may set up; all we ask is, that whatever the doctrine be, she will herself respect it. While her Government is in the habitual practice of naturalizing American seamen, she insists that our Government shall not naturalize her subjects. Assuredly, Mr. Speaker, it cannot be unlawful for us to do in relation to her what she does in relation to us. If she violates the public law in relation to us, that very public law authorizes us to violate it in relation to her. This is the law of retaliation. If she can naturalize our seamen serving two years on board her vessels, or contracting marriage with her subjects, we may naturalize her seamen entering voluntarily into our service; the period of two years, prescribed by the British statutes, makes no difference; it affects not the principle; it is entirely arbitrary; she might as well have prescribed two months, or two days, or two hours.

You will observe, Mr. Speaker, that the British Government, in executing this regulation, has no regard to the character of the American seaman. It is unimportant to her whether the seaman be a deserter or not from the American service; it is immaterial whether he deserted before or after the war. Indeed no questions are asked; it is sufficient for the purpose that he is an American citizen willing to enter into her service, contracting marriage with a British subject, or serving two years on board her public ships. We demand nothing but reciprocity; there is no justice or equity where there is no reciprocity; and between nations there must be reciprocity, because there is perfect equality. Hence, Mr. Speaker, the justice, the lawfulness, the propriety of the regulation which I propose to you. Let us for a moment consider its expediency. Engaged in a war with a formidable Power, we find ourselves in one important respect occupying a vantage ground. Shall we avail ourselves of it to the injury of the enemy, or shall we voluntarily abandon it? The advantage results from the na-

ture of things. The temptation to British seamen to enter the American service is stronger than the temptation to American seamen to enter the British service; and the fact is that more British seamen enter the American service than American seamen the British service. Shall we, I repeat, avail ourselves of this advantage during the war or not? Not, Mr. Speaker, that we want her seamen; not that they are essentially useful, much less necessary to our service; but that by taking them from the enemy we wound, and wound her where she is most vulnerable; the loss to her is much more important than the gain to us. She sets the example too; and when we offer as a condition of peace to prevent her seamen from entering into our service, we are instructed by her conduct that she chooses rather to enforce her practice of impressment by arms, than to rely on any pledge which we can give for the exclusion of her seamen from our employ.

I entreat gentlemen, therefore, to take my project of coercion instead of their project of propitiation. I have endeavored to show that the enemy is not to be conciliated.

First. Because the conciliatory overture of 1807, substantially the same with the proposition of the gentleman from North Carolina, was rejected.

Second. Because the overture of Mr. Russell, of 1812, identically the proposition of the gentleman, was rejected.

And third. Above all, that the overture repeatedly pressed by Mr. Pinkney, in 1810 and 1811, the inevitable effect of which would have been to throw us into the war on the side of England against France, was rejected.

Sir, it will be asked, with wonder and astonishment, how an overture of this character, so favorable to the obvious policy and interest of England, could have been thrown back upon us with disdain: incredible as the fact is, it is true. The cause, I repeat it, is only to be sought in the ineffable contempt in which she has held us; looking at our party divisions, and calculating on the weakness and fluctuation of our councils, she indulges a confident belief that the fatal and vibratory policy which yielded the old embargo to the clamors of a petty faction, would forever distinguish our course. Yes, sir, it is to the forced repeal of the old embargo that we must look for the causes of our protracted quarrel with England. We had given no incontestible evidence before of the influence of faction upon our councils; from that moment, however, she ceased to respect us; from that moment, she never dreamed that it was possible for us to go to war. When the war came, she let go the Orders in Council, to be sure, but she still continued to believe, and yet continues to believe, that the same spirit of faction which forced the repeal of the old embargo, would drive you out of the war. She has been looking with hope and with confidence to the issue of the late elections. Now that she is disappointed in the result, there is no saying what she will do. Our safest and wisest course is, however, to combine the resources of the country to give force and vigor to the war.

The objections to this bill, sir, are so various and contradictory that one is at a loss in what manner to consider them. By some, it is said the force is too great; by others, it is too small; by some, the term of enlistment is too short; by others, the innocent Canadians are to be overrun with it directly; and others, again, are opposed to it, because standing armies are dangerous to Republics, and because they confer great patronage and power.

We are embarked in the war; a military force is necessary to carry it on; it must be one of two descriptions—*militia* or *regulars*. When we ask gentlemen for the militia, they say no!—the militia belong to the States; they are constitutionally under the control of the State authorities for local defence; you shall not have them. Well, sir, in this, for the present, we have seemed to acquiesce, but, gentlemen, if you will not give us the militia, pray give us a regular force. No, say gentlemen, regular armies are dangerous to Republics; they confer too much patronage. Well, if you will neither give us regulars or militia, what will you do? And here, sir, at last, we have extorted *their system.* Will you believe it, sir? It is to repeal the declaration of war, lay down our arms, and throw ourselves upon the generosity of the enemy—he is a noble and generous foe, and will grant you reasonable terms. Thus, sir, are we to be bound hand and foot, with our locks shorn, and delivered over to the Philistines. We answer: this, gentlemen, may be a very good system for you, but it is a very bad one for us; if you will be united against us, we will endeavor to be united for the country against you, and when we negotiate, to negotiate with arms in our hands.

Sir, there is one argument which, on this subject, I think, merits attention. As the power of declaring war is lodged with the Legislature, so the power of conducting it is vested in the Executive. He is, constitutionally, the sole conductor of war; he has the planning of the campaign, the adaptation of force, and the uncontrolled direction of it in the field. The object of the war is a speedy and honorable peace, and it is his duty so to direct the national force, that the object be attained in the best manner, and with the least possible delay. He is responsible to you, therefore, for the wise and judicious application of the force; he is responsible to you by election, and by impeachment. Is not this *responsibility* of some value to you? Does it not become you to maintain and cherish it? You can only cherish it by granting, and granting liberally, the supplies asked for. If you withhold the supplies, you destroy the responsibility, you assume it to yourselves. If you grant the supplies with a niggardly or parsimonious hand, you impair the responsibility, you diminish it essentially. Liberal supplies of men and money are necessary to success; your armies and navies must be well found, or they are inefficient. How comes it the Emperor of France marched fifteen hundred miles from home, and vanquished forty millions of people before we reduced a petty province of the enemy?

with a population of only three hundred thousand, and lying at our very door? Military skill out of the question—it is because of his ample command of men and money. How is it that England makes such vast efforts on the Peninsula? It is because the Parliament never hesitates to grant the supplies, and to grant them liberally. But the term of enlistment is too short; so it is, if we want this force for the general purposes of the war; for the general purposes of the war, five years' men are infinitely better; but we do not want more five years' men than are already provided by law. The Executive asked this force in addition, as a peculiar force, and for a temporary occasion; they say, everything considered, it is best adapted to their object. Will we believe them? Will we give them what they ask? Or, will we give them what they do not ask?

Mr. T. concluded his speech, by adverting to the alleged misfortunes of the war, and attributing much of the delay of operations on land, to the unwarrantable efforts of party, in introducing insubordination and disaffection in the Eastern States, &c.

THURSDAY, January 7.

Mr. MORROW, from the Committee on the Public Lands, presented a bill confirming certain claims to land in the District of Vincennes; which was read twice, and committed to a Committee of the Whole on Monday next.

Mr. MORROW, from the same committee, also presented a bill for the relief of John Binnion; which was read twice, and ordered to be engrossed, and read the third time to-morrow.

Mr. B. HALL moved the following resolution:

Resolved, That the President of the United States be requested to lay before this House a statement of the number of officers and men employed in the service of the United States, on board the Navy, from the 1st October, 1811, to the 30th September, 1812; on what ship or vessel, and by whom commanded; the amount of pay and rations furnished; the articles of provision purchased, and price; medicines, instruments, and hospital stores, furnished each vessel; the freight, store-rent, and contingent expenses; where, for what, and to whom paid; the expenditures on account of navy yards and docks, where expended, and what repairs made; the number of ordnance and small arms, and price, and of whom purchased; what vessels repaired, at what place, and the sum of money expended on each; the number of workmen and laborers employed in each navy yard, and the price given per day or month; the quantity of ship-timber and other naval stores on hand, and at what place; the number and description of vessels built and repaired at the navy yard at Washington.

The resolution was read, and ordered to lie on the table.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting the annual statements of importations of goods in American and foreign vessels, from the 1st October, 1810, to the 30th September, 1811.—Ordered to lie on the table.

On motion of Mr. HEMPSTEAD, a committee was appointed to inquire if any, and if any what, amendments are necessary to be made to the act, entitled "An act to provide for the government of the Territory of Missouri;" and Mr. HEMPSTEAD, Mr. MCKEE, Mr. RHEA, Mr. BARNETT, and Mr. ROBERTSON, were appointed the committee.

ADDITIONAL MILITARY FORCE.

The House resumed the consideration of the order of the day, relating to this subject, when

Mr. TROUP concluded the observations he yesterday commenced in favor of the bill.

Mr. WILLIAMS, with a view of proposing certain amendments to the bill, moved that it be recommitted to a Committee of the Whole; which motion was agreed to, and the House resolved itself into a Committee of the Whole accordingly.

Mr. WILLIAMS then moved to amend the bill by striking out the words "twenty regiments," and inserting "such number of regiments, not exceeding twenty, as may, in the opinion of the President, be necessary to the public service."

Mr. W. said, the amendment he had proposed was of such a nature as required but a very few words to explain. By those who recollected the former course of his arguments, it would be remembered that he had stated that this force was intended not only for the defence of the country, but for filling up the deficiency of our present regiments. The bill goes to repeal your present laws authorizing the acceptance of volunteers, while the act authorizing the President to raise 50,000 men in one way is to be substituted by this bill, authorizing 20,000 men in another. As, however, under those acts, certain corps had been accepted, (with the amount of which he was not acquainted,) it was not the disposition of the Military Committee, or of those who manage our military affairs, to ask for a greater force than was necessary; and therefore he wished to give the Executive a discretion not to raise so great a force, as proposed by this bill, by so many volunteers as may now be in service. For instance, if 10,000 volunteers should appear to be in service, under the volunteer acts, it might be advisable not to raise, of the force proposed by this bill, more than 10,000 men.

Mr. WILLIAMS's motion was agreed to, without a division.

Mr. FITCH moved to strike out the fourth section of the bill, giving to the President the appointment of all officers under the rank of Colonel.—Motion lost.

Mr. M. CLAY then made a motion to strike out *one year*, (the time of enlistment,) and insert *three years*.

Mr. LOWNDES spoke at length in support of this motion. He was in favor of a vigorous prosecution of the war, for which he did not think this description of force calculated.

Mr. FINDLEY and Mr. WILLIAMS replied to Mr. LOWNDES.

The motion of Mr. CLAY was negatived by a large majority—15 or 20 only rising in favor of it.

Mr. Bleecker.—Mr. Chairman: I have a very few, very desultory, and I fear very unimportant observations to make on the subject now before the Committee. They will be few, not because the subject does not abound with various fruitful and interesting topics, but because an indisposition of some days has unfitted me for any considerable effort of memory.

I was opposed to the war when it was declared, because I was confidently persuaded that the evils of which we complained were of a nature not to be remedied by war. I thought, too, sir, that by entering into war, we were plunging ourselves into evils a million fold greater than those from which we sought to be relieved. I was opposed to the war, because I thought that, notwithstanding all the decrees and orders of the belligerents affecting our neutral rights, we might enjoy a commerce more extensive and profitable than we could have in a time of European peace. The war in Europe was, in fact, a blessing to this country. I was opposed to the war, because I knew that the whole of one of the great political parties in the Northern and Eastern, the most commercial section of the country, which was most interested in the avowed objects of the war, openly condemned it; and I believed that a great portion of the other party was secretly opposed to it. This objection was to my mind perfectly conclusive. If there had been no other reason against the war, this was enough. What, sir, go to war when that part of the country which has most of its wealth, strength, and resources, is decidedly opposed to it! go to war for commercial and maritime rights, when the people of that part of the country which is principally interested in its commerce and navigation, openly execrate war!

It seemed to me that it became legislators who were disposed to exercise a paternal regard over the interests of the nation, to give up their own opinions, their prejudices and partialities, rather than go to war with a people thus divided. And permit me to say, sir, without any disparagement to the members of this House, that thousands and tens of thousands of the inhabitants of that part of the country of which I have been speaking, are as competent to understand the true interest and honor of the nation, as gentlemen who happen to be members of Congress.

I was opposed to the war, because I thought it might expose our happy form of Government—our excellent political institutions—to a dangerous trial. I was afraid, sir, that the war might produce a pressure upon the Government which it would not be able to sustain. I was opposed to the war, and this was the bitter draught, because it brought us into concert and co-operation with the great destroyer, the grand enemy of freedom and humanity throughout the world. I was opposed to the war, because I believed the state of things in Europe, out of which our difficulties arose—a state of things which the United States had no power to control—was in its nature transient. Rather than plunge ourselves into the vortex of European politics; rather than encounter the evils and dangers of war, I thought it would be wise and prudent to wait until "the troubled waters should subside, and the ancient landmarks of the world reappear above the flood;" with a living statesman, I thought I saw in the very cloud which blackened all our horizon, the bow which was set for a token, that the tempest would not be forever.

But, sir, war was declared, and the doctrine has since been promulgated, that it is now the duty of every man to support it; that all inquiry must be hushed, and all examination of its expediency and propriety cease. So far as this doctrine inculcates obedience to the laws, it has my cordial approbation; but inasmuch as it denies the right of the citizen to examine into the causes of the war, to express and publish his opinions respecting its policy, it is an insult to the understanding of an intelligent people, and inconsistent with the character and spirit of the Constitution. War is declared by law. How shall the law be repealed? How can we get rid of the war, if we may not say that it is inexpedient, impolitic, and ruinous? How abominable the doctrine is, that the declaration of war shuts the door against all inquiry, is manifest from the consideration, that it would enable a wicked Administration to perpetuate its power by declaring war. Again, sir, I would ask the advocates of the doctrine I am reprobating, when will it be proper to show the folly and ruinous consequences of the war? Suppose the war to have continued five or ten years, and the country to be impoverished, its commerce annihilated, its resources exhausted, its best blood expended in wild and fruitless projects of conquest, the people oppressed by debts and taxes, will it then be deemed improper to expose the absurdity and mischief of continuing the war? Surely, sir, it will be patriotic and laudable to alarm the people, to entreat them to put an end to that which is the cause of their calamities. And if such conduct will *then* be proper, it must be laudable and patriotic *now* to show them their evils and dangers, and to point them to the means of escape.

But, sir, what has been the state of the country since the declaration of war? I speak again in reference to public opinion. The people of the North and East have poured out their feelings and opinions, their complaints and groans, in addresses, petitions, resolutions, and remonstrances against the war. Look, sir, at the Presidential election, and you see all the Northern and Eastern States, with the exception of Vermont, arrayed against the Administration. You see the people disregarding the old line of party division and distinction. Yes, sir, in spite of such division and distinction, "burying their mutual animosities," their ancient prejudices, "in their common detestation" of the policy of the Government, rising up in their might and strength to manifest their hostility to the course of measures it has pursued. This, Mr. Chairman, is a state of things which ought to arrest the attention, and engage the reflection of the National Legislature, for without that section of country

our strength is weakness. I know how ungracious and invidious topics of this kind are to some gentlemen. But, sir, we cannot help it that the country is made up of sections. We are legislating for such a country, and it is our business and duty to regard the circumstances, the interests, and feelings of the people of different parts of the Union. We declared war for commerce; the people most interested in commerce were opposed to it. We continue the war for sailors' rights, and three-fourths of our native American seamen belong to New York and the Eastern States, the people of which are sighing for peace. It ought to be remembered, too, sir, that the war itself must have the effect of driving a vast portion of our sailors out of the country into foreign service.

But, Mr. Chairman, whatever may have been the reasons for declaring war, the question is not now what it was when war was declared. Our relations with the belligerents have materially and essentially changed. So much have they changed, that I declare, without fear of contradiction, that had they been on the 17th of June last what they now are, we should not have gone to war. I hope no gentleman of this Committee will deny this. But if any gentleman should deny it, the nation will not believe him. Sir, we have received new, important, and interesting evidence of the true state of our foreign relations since the declaration of war. Facts which were then unknown, and which have shed a flood of light upon the situation and policy of the United States, have since been published to the world. The repeal of the Orders in Council itself, by removing the principal cause of the war, has produced a most material change; for had they been repealed before the war was declared, there would have been no war; and let it be remembered, that they were repealed before the war was known in England. But this is not all to which I refer. I mean to speak of the evidence we have received respecting our relations with France; and I hope gentlemen will not be startled or offended by what I am about to say. I declare confidently and boldly *that Napoleon has inveigled us into the war.* He has cajoled and deceived us. But for his arts, intrigues, and duplicity, the United States would not now have been at war with Great Britain. Yes, sir, he has led us on step by step, until he brought us to the edge of the precipice, and plunged us into the abyss. We have been humbled and mortified. He has triumphed over our character, our honor, our rights, our independence. I do not say these things hastily, carelessly, or lightly. And I will add that after the discovery of the deceit and duplicity which the Emperor of France has practised upon us, it became the duty of this Government to go back to the ground it occupied before the President's proclamation of November, 1810, or to declare immediate war against France. A proper regard to the honor, the character, and independence of the country, demanded this of its Government.

Sir, the proof of what I have said, is plain; and it is time that it be stated here, and spread before the nation. I beg the attention of the Committee to the facts on which it rests. I need not go back farther than to the law of May, 1810, which provided that the non-intercourse act should cease, as to that belligerent which should *first repeal* its decrees, violating our neutral rights, and that it should operate on the other, which should fail so to do, within three months after the President's proclamation of the fact of such repeal. This law, and the conduct of the President under it, are the immediate cause of the war, and the present unhappy state of the country. On the 5th of August, 1810, the Duke de Cadore wrote his famous letter to General Armstrong, the American Minister in Paris, stating that the Berlin and Milan decrees would, upon certain conditions, cease on the first of November then next. On the authority of this letter, the President of the United States issued his proclamation, declaring the fact, that the French decrees were repealed. But the British Government, not considering the letter of the Duke de Cadore sufficient evidence of their repeal, did not revoke their Orders in Council, and, in consequence, our non-intercourse act went into operation against Great Britain, the February following. Notwithstanding the proclamation of the President, great doubts existed in this country, whether the French decrees were in fact repealed. To remove these doubts, to confirm the proclamation, to prevent inquiry and investigation in the judicial tribunals of the country, the act of March, 1811, was passed. Yet, sir, it has ever since been denied, that the decrees of Berlin and Milan were repealed. The public prints have teemed, and the tables of this House have been loaded with the proofs of their existence and execution. You remember, sir, an impressive argument, in many respects original, an unanswered and unanswerable argument of the honorable gentleman from Virginia (Mr. RANDOLPH) on this subject in this House, towards the close of the last session. But, sir, notwithstanding all this, this Government persisted in declaring, that the French decrees were repealed. I do not mean to discuss that stale matter. The statement I make is necessary to my present purpose. The question of their repeal, was the subject of a very voluminous and long-continued correspondence between Mr. Foster, the British Minister, and our Secretary of State. The discussion, I believe, was protracted to the last moment of peace. War was declared on the 18th of June. Some weeks afterwards, appeared in this country a decree of Napoleon, issued in May last, and bearing date the 28th of April, 1811. This is an extraordinary paper, and deserves some attention. I will read it:

"APRIL 28, 1813.

"*Napoleon, Emperor of the French, &c.*

"On the report of our Minister of Foreign Relations:

"Seeing, by a law passed 2d March, 1811, the Congress has ordered the execution of the provisions of the act of non-intercourse, which prohibits the vessels and merchandise of Great Britain, her colonies and

dependencies, from entering the ports of the United States.

"Considering that the said law is an act of resistance to the arbitrary pretensions consecrated by the British Orders in Council, and a formal refusal to adhere to a system invading the independence of neutral Powers and of their flag; we have ordered, and do decree, as follows:

"The decrees of Berlin and Milan are definitively, and to date, from 1st November last, considered as not existing in regard to American vessels."

Now, sir, did this decree exist at the time of its date? No, sir, the date is *false*. If the decree existed in April, 1811, why was it not communicated to this nation, the only one interested in the subject? Why was it not communicated to Mr. Russell, who so strongly urged upon the French Government the necessity of furnishing some evidence of the repeal of the decrees. For the purpose of communicating some satisfactory information on that subject to this country, he detained the John Adams in France, in *July*, 1811. You will remember Napoleon's decree is dated in *April*. Permit me here to read a passage of Mr. Russell's letter to Mr. Monroe, dated the 15th of July, 1811.

"On the 14th of June, Mr. Hamilton, of the John Adams, reached Paris, and informed me that this vessel had arrived at Cherbourg. Unwilling to close my despatches by her, without being able to communicate something of a more definite and satisfactory character, than anything which had hitherto transpired, I immediately called at the Office of Foreign Relations, but, the Minister being at St. Cloud, I was obliged to postpone the interview which I sought until the Tuesday following. At this interview, I stated to him the arrival of the frigate, and my solicitude to transmit by her to the United States, some *act* of this Government, justifying the expectation with which the important law which she had brought hither had, undoubtedly, been passed."

After Mr. Russell had left Paris, he wrote from England to Mr. Barlow, who succeeded him, "for additional proofs of the removal of the decrees." Mr. Barlow seems to be very anxious "to get the treaty through, carrying an unequivocal stipulation, that shall lay that question to rest."

But it was all in vain; no authentic evidence of the repeal was furnished. This decree did not exist; and why was it not issued? Why was the evidence of the repeal of the decrees withheld? The answer is obvious. *The United States were not yet committed to go to war with Great Britain.* Napoleon knew very well that when *proper* evidence of the repeal of his decrees was furnished, the English Orders in Council would be repealed, and the United States would not go to war with Great Britain. For, sir, he knew very well, and we know very well, that for the subject of impressments alone, this country would not go to war. It cannot be denied, that for this cause, we should not have declared war. This Government has never been disposed to go to war on that ground alone. The present President of the United States made an arrangement with Mr. Erskine, which gladdened the heart of every man in the nation, without any provision on that subject, without any mention of it; and there was not a murmur in the country, on account of its omission. Mr. Pinkney, too, as stated by the gentleman from Georgia, (Mr. TROUP,) yesterday, again and again, offered to accommodate with England, on the rescinding of the Orders in Council, without any reference to impressments.

Sir, this decree itself is an insult to this Government. It is issued expressly, because we had taken our stand against England; it is declared to be issued in consequence of our act of March, 1811, when, in fact, the President's proclamation and the act of March were founded on the repeal of the decrees. To show the correctness of my remarks on this part of the subject; to show that Napoleon has triumphed over our honor and character, I beg leave to call the attention of the Committee to Mr. Russell's letter to Mr. Monroe, dated the 9th of June, 1811. His language does credit to his understanding and feelings:

"To have waited for the receipt of the proclamation, in order to make use of it for the liberation of the New Orleans Packet, appeared to me a preposterous and unworthy course of proceeding, and to be nothing better than absurdly and *basely* employing the declaration of the President, that the Berlin and Milan decrees *had been* revoked, as the means of obtaining their *revocation*. I believed it became me to take higher ground, and without confining myself to the mode best calculated to recover the property, to pursue that which the *dignity* of the American Government required.

"A crisis, in my opinion, presented itself, which was to decide whether the French edicts were retracted as a preliminary to the execution of our law; or whether, by the non-performance of one party, and the prompt performance of the other, the order in which these measures ought to stand was to be reversed, and the American Government shuffled into the lead, where *national honor* and the law required it to follow."

It would have been *base* to have employed the President's proclamation, that the Berlin and Milan decrees had been revoked as the means of obtaining their revocation. But what, sir, is the price we have at length paid for their repeal? The President's proclamation was not enough; the act of March added to it was not enough; we could not procure the revocation till we went to war. For, sir, the Emperor would not issue this decree till he knew that we were pledged and committed to go to war with Great Britain. How he knew this, sir, it is not for me to say. We all know, however, that he had all the acts of this Government to satisfy him of the course we were pursuing—the step we were about to take. He had the President's Message, the report of the Committee on Foreign Relations, the war speeches of the members of this House, the laws for raising armies, and the embargo. In the month of May, then, when the policy of this country in relation to Great Britain was settled, he issues his decree, just in such time, too, sir, that it could not reach this country till we had plunged into the war.

And well, in such a state, might he repeal his decrees, which, by the war itself, would be superseded—would become a nullity.

Thus, sir, believing the French decrees to be repealed, we departed from our neutral stand by enforcing the non-intercourse law against Great Britain. We have in vain waited for such evidence of their repeal as would have induced Great Britain to rescind her Orders in Council—the great cause of the war. Their revocation depended upon the repeal of the French decrees; and had they been revoked, there would have been no war between the United States and Great Britain. The decree, declaring the edicts of France to be revoked, is at length issued, when the Emperor knows it is too late to prevent the war. The decree is communicated to the English Government, the Orders in Council are revoked on the ground of the repeal of the French decrees, but the United States have declared war. How, sir, can I make this matter plainer? Our whole course against Great Britain has proceeded from the belief of the repeal of the Berlin and Milan decrees; but that evidence of their repeal, which would have stopped our course, by means of which the Orders in Council would have been revoked, and the war would have been avoided, is withheld till the Emperor knows that war is inevitable. Thus, sir, have we been duped, deceived, and inveigled.

I repeat it, sir, had we, on the 17th June, understood our foreign relations as we now understand them, we should not have declared war. And would it not have been just and magnanimous in this Government, when all doubt was removed on the subject of the French decrees, to have acknowledged its error? Did not the honor, the character, the independence of the country require of us to go back to our original neutral ground? I rose principally for the purpose of presenting this view of the arts and deceit of the French Emperor to the Committee. I regret that I have not done it more fully and clearly; and I hope that some gentleman more competent to a proper examination of the subject will yet take it up before we get through this discussion.

But, Mr. Chairman, why shall we continue the war against Great Britain? The subject of impressments is now the only remaining cause of war; and is war a remedy for the evil of which we complain? So far from it, sir, I believe the war itself will be the means of putting the object of it farther out of our reach.

What, sir, is the subject of impressment? What is the nature and history of that which is now the only matter of dispute between the United States and Great Britain? When the war broke out between France and England in 1793, the profits of our neutrality and extensive commerce enabled us to pay much higher wages to seamen than Great Britain could afford to give. The United States had not many years before been severed from the British empire. We were a people speaking the same language, having the same habits and appearance, and engaged in the same pursuits. The high wages we paid, and the advantages and safety of employment on board of neutral vessels, of course tempted thousands of British seamen to flock into our service. Great Britain complained of this as a very serious evil. We have done nothing to prevent it. Let us consider this matter candidly and fairly. Great Britain says that she is fighting for her existence; that her seamen are essential to her defence. We seduce them into our employment by higher wages and more desirable service. We are neutral, she is at war. We employ her seamen for our profit, she wants them for her defence. By the temptations our service holds out she loses many thousand of those subjects, whose service she considers essential to her national existence. We acknowledge that she sustains great injury, but do nothing to prevent it. So far we give occasion to the complaint; as we do not prohibit the employment of her seamen, the injury begins with us. How is she to redress herself? What means has she but impressment? When I entice away your servant or apprentice by an offer of higher wages, or other advantages, the common law gives you an action for damages against me. This is dictated by natural justice. The case is in some respects like the one which is now the cause of dispute between us and Great Britain. Is it not reasonable and just that we do all that can be done to prevent the injury of which she complains?

She founds her claim to the services of her seamen on the doctrine maintained by the nations of Europe, "that their subjects have no 'right to expatriate themselves, and that the na-'tion has, in time of war, a right to the services 'of all its citizens."

That a man has no right to expatriate himself, is the doctrine of the common law of England, the country from which we derive our notions of law. It must be the law of most of the United States; certainly of all those that have by their Constitutions expressly recognised and adopted the common law of England, which many of them have done. I believe, sir, I may say, that it is the law of the United States; one of the ablest and most distinguished judges we have ever had in our courts,* solemnly decided, that such was the law of the United States and the Supreme Court has, I think, on questions relating to the descent of lands, decided, what appears to me, involves the same doctrine. Now, sir, if this be so, if the doctrine on which England founds her claim, be also the law of this country, are we to contend for the right of expatriation? If the law be as I have stated, it would seem to follow, that all other allegiance must be subordinate to that which a man owes to his natural sovereign—to the country that gave him birth: And what then is the effect of our naturalization law? When a foreigner comes here and asks the benefit of it, we do not inquire into the obligations he may be under to another country. If he chooses to embarrass himself with contradictory and inconsistent obligations, that is his own concern.

*Ellsworth.

We protect him here, we treat him as a citizen, but I do not know that we can abrogate his prior obligations. Some of our most distinguished citizens, some years ago, became citizens of France, but were they thereby discharged from their duty of allegiance to this their native country? Whether the doctrine of non-expatriation is right in the abstract or not, I know not, I care not. Practical men have nothing to do with abstract questions. They must take things as they are, and attain all the good within their power. But is this doctrine so unreasonable as it is sometimes supposed to be? It does not prohibit emigration. If a man thinks that he can obtain a better subsistence, that he can improve his condition by removing from his native country, he may leave it and seek for "fairer fields and a more congenial clime," but he retains the privileges and remains subject to the duties of his natural allegiance. On this subject of impressment, sir, I have always had all the sensibility which its nature deserves. The sensibility prevailing in the country from the impressment of American seamen is natural and proper. I do not wish to diminish it. And, sir, I applaud our Government for insisting, that in any arrangement made respecting this subject, the practice of searching our vessels for seamen shall be relinquished on the part of Great Britain. Not, sir, from any consideration of abstract right, nor for the purpose of protecting British seamen, but because it affords the best security for our native seamen, against the abuse and indignity to which they must be exposed as long as the practice of impressment continues. Yet, sir, I would not expose the country to the calamities of war on this account. I would not go to Canada, because I do not believe that you will secure the immunity of your flag as to seamen by such means. I would protest against the pretensions and practice of Great Britain, with respect to impressments on board of our ships on the high seas, and wait till we are able to enforce our rights.

But after all, Mr. Chairman, what is the extent of the evils, and how stands the account between us and Great Britain? In the whole period of the European war, according to the statement furnished by the Secretary of State, six thousand two hundred and fifty-eight seamen have been impressed from American vessels. This includes persons of all nations, Danes, Swedes, Germans, Dutch, &c. All but one thousand five hundred have been discharged. Probably at no one time have more than one thousand five hundred, or, at the utmost, two thousand men, including British subjects, impressed from American vessels, been employed in the British service. And it will be remembered, that not long before war was declared, the British Minister offered to restore all American seamen that had been impressed.

We are supposed to have in our service one hundred and twenty thousand seamen—of these, from ten to fifteen thousand, at least, are supposed to be British subjects. So, sir, it appears that the complaints of Great Britain on this subject are not unfounded, nor unreasonable.

It is somewhat strange, sir, that though three-fourths of the native American sailors belong to New York and the Eastern States, yet these States are forced into the war by the people of the Western States, who have no sailors, who have never seen a sailor.

But, sir, will the evil of which we complain be remedied by the means proposed? Sailors' rights are the object—the conquest of Canada the means. Will Great Britain yield to you when you have conquered Canada? What is Canada to her? It contributes nothing to her strength, nor will the conquest diminish her means of annoying us. It will rouse all her pride, and make her more inflexible than ever with respect to what she considers her maritime rights. I ask, sir, wherefore is the conquest and possession of the country desirable to us? If Great Britain were now willing to surrender it to us, I would give my vote against accepting it. It would be a curse to us. Our territory is already too extensive. The Union is already composed of too jarring materials. Why increase them? The Government is already pressed by a weight it can hardly bear; why add to it? Will Canada compensate us for New York and New Orleans? For our ravaged coast; for the millions upon millions which will be annually lost by the annihilation of our commerce in consequence of the war? Sir, the amount we lose by having our ports shut up for six months, is worth more to us than all Canada. You cannot conquer it without a vast expense of blood and treasure, without bringing upon the people an enormous load of debt and taxes. If the conquest can be accomplished, it will require vastly more time, force, and expense than gentlemen imagine.

But, sir, shall we succeed in the attempt? Will the project of the Committee on Military Affairs afford us the means of success? And here, I differ with some of my friends on this side of the House. I do not believe so much in our ability to conquer Canada as some gentlemen seem to do. The physical force of the nation, and the means of exerting that force, are very different things. We were told in this House in the month of May last, that in six weeks after the declaration of war, we should be in possession of the whole of the upper, and a great part of the lower province of Canada. I did not believe a word of it. I thought that it would have been more reasonable to have spoken of six years for the conquest. I did not believe that we should, in the then next campaign, get possession of an inch of the country. It is now proposed to send a force of twenty thousand men into Canada, and this force is to make the conquest the next campaign. I do not think it competent to the object. Sir, you will again be defeated. The honorable chairman of the Committee on Military Affairs (Mr. WILLIAMS) supposes, that there are twelve thousand regular troops in Canada besides militia, making a force together of eighteen thousand men. We are to invade the country with twenty thousand raw, undisciplined troops. We have the disadvantage of being invaders, the enemy receives us in his

own country—great advantages, of course, are on his side. From the disaffection of the inhabitants we have nothing to hope. The events of the war have strengthened their loyalty. But, sir, will you be prepared in the Spring to send into Canada the force contemplated by the Committee on Military Affairs? Of the amount of our present force, as it seems to be considered incorrect to speak of it, I will say nothing. It is probable, however, that it will decrease as much during the winter, by deaths and otherwise, as it will increase by enlistments. But, sir, can we raise the force contemplated? The honorable chairman of the Committee on Military Affairs (Mr. WILLIAMS) tells us that the patriotism of the country is commensurate with its population. But let me tell him, sir, and I do not mean to say anything offensive, that it does not become men who manage the affairs of a nation to talk in this manner of raising armies from the patriotism of the country. Patriotism is not the inducement to enlistment. Patriots do not become soldiers. Armies in all countries, except under very extraordinary circumstances, are composed of a certain description of population, of men who have no regular occupation; the idle, the dissolute, the vagrant and profligate. Of this sort of population, there is a certain amount in every country—in this, there is less than in any other. We have heard much of the opposition to the war; but that has not been the cause of our failures and disasters. It is not because the Governors of Massachusetts, Connecticut, and Rhode Island, refused to call out their militia that the war has hitherto been unsuccessful; nor is it because the war is unpopular, or because the people are divided on that subject, that the ranks of the army have not been filled up. Men who enlist, do not inquire into the causes and expediency of the war—they take no cognizance of such matters. It is owing to that for which our bosoms ought to swell with gratitude to Heaven—the happy state of our country, the comfortable condition of the people, the facility of procuring subsistence. It seems to me, sir, that if patriotism alone would make soldiers, several members of this House ought to have enlisted; for there has been a greater display of patriotism in this House in relation to the war, than in all the rest of the nation, from one end of the country to the other. But, sir, it is more agreeable and convenient to gentlemen to be here, than to be in the army as common soldiers. Just so, the people of the country who are comfortable at home, think it more agreeable and convenient to stay there. I know, sir, that some honorable gentlemen have shouldered their muskets and gone into the militia. This, sir, as an evidence of their zeal, was laudable, (I do not mean to speak disparagingly of those gentlemen,) but in reference to any efficient service, it was worse than useless; for assemblages of militiamen will do no essential service. They are no better, I think, to use the language of the Father of his Country, than "armed mobs." And the war has served to destroy the illusion which has so long been kept up in the country by the many strange and absurd things which have been said of the importance and efficiency of the militia. Sir, it is all idle—the militiaman is best employed at his plough, and in the other occupations of life, in which industry can be successfully exerted. For the real strength of the country—its wealth, the sinews of war—arise from the produce of the various branches of industry. This furnishes the means of supporting an army; but the army itself must be composed of idle, dissolute, and disorderly persons. And if the country and state of society are so happy as not to afford a sufficient number of these, you cannot get an army; and if you cannot get an army, you cannot go to war.

In considering the probable issue of the contest in which we have embarked it is well to compare our power with that of the enemy—to inquire whether our population, our wealth, our resources, our ability to endure the privations, losses, and calamities of war, are equal to those of the nation with which we are at war. Now, sir, in all these points, Great Britain has the advantage of us. In the means of annoyance, she is much superior. And let it be remembered, sir, that the war has not yet begun on her part. It is true that she may lose the benefit of the trade of this country, which, to a certain portion of her people, is very important, but to the Government itself, as a source of revenue, it is of little consequence. It does not amount to the one-hundredth part of her annual expenditure. I believe the restrictive system was a more reasonable means of coercing her than the war will prove to be. Yet we found that to be inefficient—we found that she could endure the embargo better and longer than the people of this country could or would endure it; and to the purposes of the Government, it is the same thing whether they cannot or will not bear such a policy. Its self-infliction is such, that it cannot be continued for any length of time. A word more, Mr. Chairman, and I have done. We have nothing to gain and much to lose by the contest in which we are engaged.

Sir, it is time to pause. In the events of this contest, our hopes and destinies may be involved. What a scene does this country now present! Suffering the evils and privations of war—voluntarily abandoning a commerce greater than could be enjoyed in a time of European peace—giving up the means of growing rich beyond the dreams of national avarice—rejecting blessings such as the Almighty disposer of events has never put within the reach of any other people. At war for commerce, yet abandoning all commerce, except the export trade, which is held by the license of the enemy and the fears of the National Legislature. At war for commercial and maritime rights, yet smiting the commerce and navigation of the country with consumption, with blasting, and with mildew. At war for sailors' rights, yet driving three-fourths of its sailors out of the country, into the vessels of the enemy, perhaps to shed the blood of their countrymen, or to fall by the hands of their brethren. Spurning

the good within our reach, we are rushing upon evils unknown, incalculable.

I would call upon the nation to pause—I would call upon patriotic, enlightened, and honorable men to ponder on the present state, and to think of the future destinies of the country. I would entreat them to "stand in the breach and stay the plague."

Sir, let us cease to thwart and oppose our high destinies—let us not blast our exalted hopes—let us not jeopardize our liberty, our privileges, our happy form of Government, our precious institutions. Let us wait till the calamities of Europe—till "the little brief authority" of the kings and princes of yesterday, of "pinchbeck potentates and sceptered parasites," shall have passed away. For "the tyranny of France will pass away, like a fearful dream, with the sudden crumbling and division of the power which upholds it." Let us remember that the state of Europe, out of which our difficulties have arisen, depends upon the transitory life of a single individual. Yes, sir, the raging of the storm which agitates the political world, depends upon the breath of a single individual—and nature has decreed that Napoleon must die!

Mr. Tallmadge said he felt a peculiar embarrassment in rising to offer to the consideration of the Committee some of his own reflections on the important subject now under debate, from a two-fold consideration. In the first place, the magnitude of the question might claim the aid of more exalted talents than he pretended to possess, and, therefore, to do it justice, he feared, would not be in his power. For, said Mr. T., in the extensive range of debate which has been permitted by the Chair, the whole field of our foreign relations has been open to examination, and the policy of our own Government in relation to Great Britain has been deemed fairly within the range of discussion.

In the second place, the gentlemen who had preceded have occupied the ground so ably, and discussed the subject so extensively, that it was somewhat difficult to present arguments entirely novel to arrest the attention of the Committee. Having a belief, however, that there were some important considerations, in relation to the bill now under debate, which had not yet been brought into view, he begged the attention of the Committee while he endeavored to lay before them the views which he had taken of the subject, and which constrained him most decidedly to oppose the passage of the bill.

Before I enter upon the merits of the subject, said Mr. T., I take occasion to express my hearty assent to declarations made by honorable gentlemen that this is no time to indulge the bickerings of party; and that it is greatly to be desired that all distinctions of this sort were entirely laid aside and forgotten. Sir, I should consider it the most auspicious event of my life if I could see every gentleman on this floor determined to take and maintain the true old American ground occupied by the patriots of '76. Although it may be painful to the feelings of an honorable mind to be assailed with odious appellations, and charged with duplicity and falsehood, yet the mind which has virtue for its basis, a conscious integrity for its support, and firmness sufficient to enable the man to do his duty, may hope to pass unhurt by such malicious darts.

Standing, as I do, in the highly-responsible situation of one of the legislators of this extensive country, I hope to have stability and integrity sufficient to enable me to discharge my duty to my constituents. If, after having passed through the Revolutionary war, and having never changed my political creed to the present day, an odious epithet could induce me to alter my course, I should be unworthy the confidence of my country. But whence, Mr. Chairman, proceeds this system of slander and abuse? From the foul presses of our country. To whom are some of the fairest characters which have ever adorned this or any other country indebted for the odious epithets of monarchists, foreign agents, tories, and the like? To your imported patriots, who, weary of the dull pursuits of industry on their native soil or escaping from the justice of the laws of their own country, have fled to this happy land to instruct its inhabitants in the true principles of liberty and equality.

To this set of newly fledged politicians, and men of a similar stamp, is this once happy country indebted for one half the miseries and much of the disgrace which it suffers.

I have been led into this digression in consequence of remarks which have fallen from the other side of the House, but will now return to my subject.

A gentleman from New York, (Mr. Stow,) who addressed you early in this debate, told us that he reprobated the war, and had no confidence in the Administration to conduct it to a successful issue, but should vote for the bill to enable them to carry it on. This is strange political logic to my understanding. While I subscribe fully to his premises, the reasonings of my mind bring me to a very different result. Because I deprecate this war as pregnant with great evils, if not ruin to my country, I will, therefore, take all Constitutional measures to bring it to a speedy and honorable close; and because I have no confidence in the Executive department of our Government, nor in the subordinate agents who have been appointed to vote for this bill, which, if adopted, will entail still greater evils on this devoted country.

In presenting the subject to this honorable Committee, in its most appropriate form, it may be proper to examine into the prominent causes of our dispute, which has terminated in open war with Great Britain. These I take to be three, viz:

1. The Orders in Council.
2. Impressment of our seamen.
3. The attack upon the Chesapeake.

That we may narrow the point in controversy as much as possible, I remark that ample and satisfactory atonement having been made for the violation of our rights by the attack on the

Chesapeake, one cause of disquietude, and a prominent one too, has been finally removed. It has, indeed, been frequently remarked on this floor, that the satisfaction offered for the unauthorized attack on the frigate Chesapeake was long delayed, and very reluctantly offered. However painful it may be to censure the conduct of our own Government, yet a sense of justice obliges me to say, that to every overture made by Great Britain to accommodate this unpleasant affair, our Administration attached some exceptionable condition which closed the door to an amicable adjustment. The Committee cannot have forgotten the early disavowal of this wanton aggression on the honor of our flag by the British Government, and the tender of satisfaction which was made, but failed, because our Minister was instructed to couple with this complaint the subject of impressment; nor can they have forgotten how indignant the Ministry and nation were when the President assumed the right of judging what would best comport with the honor of their King. Few, I believe, who read the offensive remark, expected a different result from that which ensued. And while I am upon this subject I take occasion to remark, that in all our attempts to negotiate with the British Government there seems to have been some untoward circumstance, some unfortunate condition, either accidentally or intentionally, attached to the question at issue, which has defeated the negotiation.

It would be within the scope of my present plan to take a particular review of the British Orders in Council, as well as the subject of impressments. But inasmuch as the documents relating to those two subjects have been laid on every gentleman's table; and more especially when I reflect that both topics have been very ably discussed by some gentlemen who have preceded me, and especially by the gentleman who has just sat down, (Mr. BLEECKER,) I shall content myself with taking but a brief review of these prominent, and I may add, the only remaining causes for the present war. As to the Orders in Council, it ought not to be forgotten, that during several lengthy discussions to obtain their repeal, as well by our Ministers in London, as at this place, they have been considered as the prominent point in dispute. So, again, as to the origin of our restrictive system; it cannot be forgotten that the friends and abettors of those measures uniformly professed that they were adopted as retaliatory for the Orders in Council. From the first partial non-importation act, which passed on the eighteenth of April, 1806, down to the law of the second of March, 1811, the object has been, on the very face of the law, to procure a repeal of the Orders in Council, and of the Berlin and Milan decrees. If any doubt should remain on the mind of any member of this Committee, as to this fact, I beg him to turn his eye to the restrictive code, and I presume he will find the evidence to be abundant and complete. In this system of anti-commercial regulations, I find the origin and progress of our present political calamities. And here, Mr. Chairman, I shall readily admit, that we had grievances and complaints, great and heavy, against both of the belligerents; nor have I the least inclination to palliate or excuse them. My object is to show, what I have uniformly expressed on this floor, that our system of non-importation, non-intercourse, and embargo, have been directed against the Orders in Council, as to Great Britain, and nothing else; and finally have brought this country into a ruinous war. Is there a man within these walls, who does not now believe (as was fully predicted when the law passed) that the conditions held out to the two great belligerents, to induce them to repeal their obnoxious edicts, violating the neutral commerce of the United States, placed the execution of our law in the hands of a foreign Government? Is there a man of ordinary capacity in the United States, having the means of information, who now believes that the Berlin and Milan decrees were repealed on the 1st November, 1810, according to the proclamation of the President of the United States, solemnly announcing that fact; and that they thenceforward ceased to violate our neutral commerce? Does not candor constrain all to confess that, long after the pretended repeal of the aforesaid decrees, our commerce was harassed in every sea where French cruisers could reach it? Need I point you to the piratical seizures and burning of American property in the Baltic, the Mediterranean and the Atlantic seas, by the privateers and fleets of the French Empire; subsequent to this pretended repeal, and sanctioned expressly by its authority? If all other evidence should be deemed insufficient, I inquire whether the French Emperor himself has not sufficiently humbled this country (if indeed our cup of humiliation had not been full before) by his own formal, ante-dated repeal of his Berlin and Milan decrees, long subsequent to the time imposed on the President by the Duke of Cadore?

It cannot have escaped the attention of the Committee, or of the nation, that Napoleon's decree, respecting the Berlin and Milan decrees, bears date the 28th of April, 1811, and is explicitly bottomed on the law of Congress passed March 2, 1811; the sole object of which law was to confirm the proclamation of the President which had then been issued more than four months, and the legality of which had become very questionable. This decree may be found among the documents accompanying the President's Message of November 4th, 1812, and on the forty-sixth page of those printed papers.

If further evidence should be needed to prove the abominable fraud of this transaction, it may be found in the correspondence of our Minister at Paris, in the Summer of 1811, wherein he remarks, that he had repeatedly demanded evidence of the repeal of the Berlin and Milan decrees, but none could be obtained. And yet, forsooth, we are now furnished with a decree dated in April, preceding, but not issued until we were so entangled in French toils, that war with Great Britain was inevitable. If this fact alone had been understood, I put it to the candor of this honorable Committee to say, whether they would

have consented to the declaration of war against Great Britain at the time and for the reasons which were given? I say, without fear of contradiction, that they would not. If my premises are true, and the inference undisputed, since the Government has been grossly deceived and drawn into this war, for reasons and causes which did not then exist, most assuredly it becomes our duty as well as interest to relieve the country from its pressure as soon as possible.

In addition to all this, it is a singular fact in the history and progress of this war, that in five days after its declaration, (viz. on the 23d of June, 1812,) and as soon as the aforesaid decree of the French Emperor was made known to the British Ministry by Mr. Russell, an Order in Council was issued, repealing the former obnoxious orders, which had been ostensively the most prominent cause of the war; and yet the President has never issued his proclamation announcing that fact, as by the terms of the law of March 2d, 1811, he was expressly bound to do. On this failure of the President to do what the law enjoined on him to perform, as well as having issued his proclamation of November, 1810, without possessing the facts required by the law to support him, I make no comment. The account is still unsettled between him and this injured country.

The Orders in Council having thus been revoked, the continuance of the war seems to rest upon the impressment of our seamen alone. Give me leave then to inquire into the grounds of this practice, as claimed by Great Britain. Is it not bottomed on the ancient doctrine of perpetual allegiance—or in other words, that the native-born subject can never so expatriate, as that the mother country may not claim his service in time of war? Is this a novel doctrine, either as to time, or the nation who now attempts to enforce it? I venture to say that Great Britain has practised upon this principle ever since she has been a nation; and it is farther manifest that France, and all the maritime Powers of Europe have maintained the same doctrine. Nay, sir, we maintain the same doctrine in our own country; in proof of which, witness the President's proclamation at the commencement of this war; and notice also the recent case of Clark the spy, who was condemned to suffer death by a court martial, and was pardoned by the President on the ground of his owing allegiance to the United States, although residing in an enemy's territory, and having been naturalized or sworn allegiance to the King of Great Britain. Hence it would seem, that the principle set up was not novel nor singular. But what is the principle in contest between the two Governments? Great Britain claims the right to visit neutral merchant ships on the high seas; and if she finds any of her natural-born subjects, to take them into her service. The Government of the United States denies to her this right, and asserts, that a foreigner naturalized in this country, is absolved from all allegiance to the parent State. The practice of Great Britain under her principle, has undoubtedly subjected some of our native citizens to capture and involuntary service, from causes which I need not here repeat. In all such cases, I take it to be admitted on all hands, that she sets up no claim, and therefore every abuse of this sort is capable of remedy. But on this head I have no hesitation in expressing my unqualified belief, founded on documents which have been laid on our tables, that the list of such impressed seamen is greatly exaggerated. Out of the number six thousand two hundred and fifty-seven of American citizens said to have been impressed, and forming a standing head piece to the list of our grievances, I very much question if five hundred native Americans can be found among them all. The documents lately furnished by the Secretary of State, if carefully examined, will serve very much to substantiate this fact. Many names are there returned who have only forwarded their claims to our Consul at London, and who, very probably, never set foot on American ground. Others again are continued on the list who have been discharged years ago, and others, who have voluntarily engaged in her service.

The question then at issue, I take to be this—Shall the war with Great Britain be continued to oblige her to relinquish the practice of taking from our merchantmen her native British sailors? If we could obtain the principle by continuing the war, I think it can be demonstrated, that it would be injurious to the American seamen to have it so established, inasmuch as it would, by increasing the number of our seamen, necessarily diminish their wages. But, circumstanced as Great Britain is, contending for her existence against the most formidable Power on earth, and resting her last hopes upon her navy, I presume she will never relinquish the principle.

The inquiry has been made, with some solicitude, what will you do with *naturalized foreigners?* I answer, treat them hospitably, and extend the arm of protection and all the blessings of government to them while they continue within your territorial jurisdiction; but if they leave your territory, and choose to go upon the great highway of nations, the risk and the choice are their own, as will be the peril. Put the case fairly to the yeomanry of our country, and let them understand the subject, that this war is to be carried on for the purpose of protecting foreigners while sailing on the high seas, and I very much incline to the opinion, that they would dismiss the authors of this war from further service, or oblige them soon to bring it to a close. Sir, I will not consent to waste one drop of pure American blood, nor to expend a single dollar, to protect, on the high seas, all the vagabonds of Europe. Valuable as may have been the acquisition in obtaining many great and good men as emigrants from Europe, still I must maintain the opinion, that all the blessings of liberty and domestic government, which are secured to them in common with our native citizens, ought to be an ample compensation. I know it is no easy matter to draw the precise line where protection shall cease; but in a question of such moment as peace or war, the prosperity and happiness, or perhaps the mis-

ery and ruin of our country, I cannot hesitate as to the course proper to be pursued.

With respect to protections, they have become so much a matter of bargain and sale, that having been counterfeited and sold in almost every port in Great Britain, as well as in America, they have long since ceased to answer any valuable purpose. It has been a fact long since well established, that a foreigner who could scarcely speak our language, could procure a protection in Great Britain purporting to be evidence of his *American citizenship*. This then may account for the light and contemptuous treatment given to this species of evidence by the officers of the British navy.

Having thus briefly adverted to the two prominent causes of the present war, the remainder of my remarks will be directed to the provisions of the bill now under discussion, which, should it pass into a law, will increase our Military Establishment to the number of 55,000 men. In fact, sir, when we bring into account several other corps of troops, such as engineers, the mounted rangers, &c., besides 35,000 regular troops, already authorized by law, if all the establishment should be completed, and the present bill should pass, I believe we should not greatly overrate the estimate, if we should consider our military force to be nearly 60,000 men, independent of militia and volunteers. Now, sir, I am wholly averse to such a measure—I am fortified in this opinion, by the declaration of the chairman of the Committee on Military Affairs, who asserts, that the former establishment, if completed, would be amply sufficient for all the purposes of the war. I remark then—

1st. That the troops contemplated to be raised by this bill, would be useless to the purpose of offensive war. To enforce the truth of this position, I presume it will be sufficient to remark, that modern warfare has become a sort of trade; that the military life is a school into which men are brought for tuition and instruction; that it requires time to change the habits and pursuits of men, before they can advantageously assume and understand the duties of a soldier; and that, above all, it requires time and discipline to inure them to the fatigues, hardships, and privations of a camp. If gentlemen will review the history of our Revolutionary war, they will find these remarks abundantly verified; and I believe I shall be borne out in the remark, from undoubted evidence, that more of our men perished by disease during the two first years of the war, (the years 1775 and 1776,) than we lost from the same cause through the residue of the war. To what else, but to the causes before mentioned, can this great mortality be ascribed? Men of experience (and I flatter myself that I speak in the hearing of some, who not only recollect the events, but shared in the dangers of the Revolutionary war) know, that the foregoing remarks are substantially true.

2. I observe further that this species of force is altogether more expensive, and less efficient than regular troops. If gentlemen will turn to the instructive letters of General Washington on this subject, they will find my remarks abundantly verified. Very early in the Revolution he pressed upon Congress not to engage troops on short enlistments, but for the war; and supported his opinion by considerations of which the foregoing form a summary.

3. I consider the provisions of this bill altogether inexpedient. What is the present state of your Army? The honorable chairman of the military committee has not furnished this Committee with a statement of our regular force; nor indeed do I think he was in duty bound to have made such an exhibition; but he has said, that if the establishment was complete, the force was sufficient. I say, then, why do you not fill up the regiments now authorized by law? Why should we be called on to authorize an increased Military Establishment, in which, by the confession of its friends, there must be a vast increase of officers whose services will not be wanted, if the other corps are not completed?

But the gentleman from Tennessee (Mr. GRUNDY) has said, that the regular establishment cannot be completed, but this new body of levy troops can. If this be true, I inquire with solemnity, of the honorable Committee, whether it is not decisive as to the continuance of the war? I speak with great confidence, founded on experience, when I assert, that the war cannot be carried on successfully by militia, by volunteers, nor by troops engaged on short enlistments. If this bill is to be supported because the ranks in your regular army cannot be filled, I say you should begin to think seriously about a peace, or disgrace and discomfiture will be the consequence.

4. I am opposed to this great increase of our Military Establishment, because it is truly anti-republican, and dangerous to the liberties of the people. The history of the world, and the principles of our own Government, call loudly for us not to jeopardize our safety by foreign conquests; for, as this spirit prevails in any country, in the same proportion will be the demand for armies—those engines of despotism. I cannot too strongly reprobate the doctrine of foreign invasion, for the purpose of annexing great districts of country to the territory of the United States. If this spirit is not checked, my fears will be greatly awakened to the safety, if not to the existence of our present happy form of Government, which should not be exposed to so severe a pressure. It surely cannot be amiss to call the attention of those who control the destinies of this country to the situation and views of the Northern States on the subject of this war. That my conscience and my conduct may be without reproach, I take this occasion seriously and solemnly to warn the friends of this bill and of the war, not to proceed with such rash and hasty strides, lest the evils resulting from their measures should be discovered when it is too late.

The history of other nations ought to afford a caution to us, that we do not endanger the liberties of this country by encouraging large Military Establishments. Would it be an unheard-of event, that an ambitious military chief should lead his

victorious army to redress their own wrongs? Had the war of the Revolution become so soon forgotten, that its *closing scene* can make no impression on the minds of our countrymen, or of this House? Have not gentlemen read (or have they forgotten) the inflammatory letters that were published at Newburg, then the head-quarters of the American Army, artfully calculated to arouse the passions and excite the indignation of a suffering army against their country, just emancipated from British oppression? Sir, the solemn and interesting scene rises full to my recollection, and warns me of danger to be apprehended from a similar cause. Never can I forget the sober reflection of some, and the wild and extravagant expressions of many others, produced by those insidious publications to the Army of the Revolution. The war was now brought to a close, and its great object had been obtained. The pay of the Army was greatly in arrears, and that which had been furnished was of very little value. A separation of the troops, without some good prospect of redress to the soldiers, appeared to be the loss of all. At this critical moment, the proposal was made, "not to lay down their arms until their grievances were redressed!" nor could such measures fail to find advocates. While the flames spread with rapidity through the camp, and the efforts of some of our best officers failed to check the impetuous torrent, the Father and Defender of his Country, and the friend of the soldier, now interposed, and threw himself into the breach. Here stood the man who had so often led this veteran band to victory and to glory, conjuring these companions of his toils not to tarnish the splendor of their achievements "by perpetrating the parricidal deed." The triumph was glorious and complete; order and harmony were restored; and the anonymous author of these incendiary addresses retired from the field ashamed and confounded. I have uniformly believed it was not too much to say, that, to the unbounded popularity and influence of that illustrious Chief, "who now sleeps in his humble tomb at Mount Vernon," was the Army then saved from disgrace, and, perhaps, the country from bloodshed and ruin.

5. I object also to this bill, because it is attended with such a wasteful expenditure of national treasure. I fear gentlemen have not sufficiently attended to this circumstance, in their great zeal to conquer Canada. I say, then, that the bounties and premiums alone, as proposed by this bill, amount to the *trifling* sum of three hundred and sixty thousand dollars! The yearly expense of this Establishment will not fall short of five millions of dollars; and, if you bring into the account the increased wages proposed to be given to the Army, by a bill which lately passed this House, together with the losses and other expenses always attendant on military operations, the annual expenditure will not probably fall short of eight millions of dollars! But, I will not enlarge on this point, as I purpose to treat the general subject of expense more fully under another head.

6. Although I am opposed to the principles of this bill, yet, to the fourth section, I have a particular objection. By the provisions of this section, it is proposed to take from the Senate their Constitutional right of considering the nominations of the President, and transferring the power of appointing all the officers necessary for the troops (the colonels only excepted) to the President alone. To this doctrine of increasing Executive patronage, I beg leave to enter my most solemn protest. By the provisions of this section, you invest the President with the sole power of appointing eleven hundred and twenty commissioned officers, independent of the regimental staff! I ask this honorable Committee, whether they are aware of the dangerous inroads they are thus making upon the principles of our Government, and thus establishing precedents which may be quoted hereafter, to justify other and more dangerous practices? The plea of *urgency*, the handmaid of *usurpation*, has sometimes been offered to justify dangerous innovations on fundamental principles in government; but nothing of this sort has been urged to support the section to which I refer. The Senate are now in session, and probably will continue to be until after this Establishment shall be organized.

An argument has been deduced from former practice, and the law of May 28, 1798, has been quoted to prove that the same power was granted to the President then, which is proposed to be given now. If gentlemen will attend to the provisions of that law, they will readily perceive that the powers granted are by no means alike. In 1798, Congress considered this country on the eve of a war with France, and made certain preparations for such an event. Among other measures, they authorized the President of the United States, "in the event of a declaration of war against the United States, or of actual invasion of their territory by a foreign Power," to raise a force not exceeding ten thousand men, and, *in the recess of the Senate*, to appoint the officers. But, even in this case, the nomination of the field officers was to be submitted to the Senate, for their consideration, at their next meeting. In the case now before us, we are actually at war, and the Senate is in session, so that there is no analogy in the two cases. It has even been urged, as a matter of convenience, that *blank commissions* could be delivered to the field officers, to be given out as should be found convenient and necessary—a practice which I am by no means disposed to justify. And, while I am upon this part of my argument, I shall take occasion to remark, that I have nothing to ask of the Government for myself, nor for any friend on earth; and, therefore, hope my remarks may be considered as directed to the good of my country, and for the preservation of the principles of the Constitution.

7. I object further to this bill, because I am unwilling to afford any aid to the further prosecution of this ruinous war, every day's continuance of which renders an accommodation more doubtful and difficult. If further progress is made, the angry passions will be excited; conquests will undoubtedly be made, and alliances most probably will be formed, which will jeop-

ardize, if not wholly destroy the fairest prospects of our beloved country. On this last prospect, what patriot can turn his eye but with foreboding anxiety and fears. When I turn my reflections to the fate of the European nations, who have been forced into the war with Great Britain, and then into an alliance with France, and behold them regularly moulded into members of that mighty Empire, subjected to all her privations, and obliged to partake in all her wars of ambition and conquest, I shudder at the prospect before us, and wish to escape before it is too late.

8. But I have another objection to the passage of this bill, which appears to be insurmountable. It is on the score of expense. Have gentlemen suffered themselves seriously to calculate the cost, not only of the present establishment, but of a further continuance of the system recently adopted? In private life, as well as in kingdoms, such provident calculations are always deemed marks of sound wisdom; and why should we except our own country from so important an examination. Let me not be told that this is no time to calculate the cost in dollars and cents, when so great a question is at stake. Sir, the question is a solemn one, and must be answered, and our constituents are entitled to an answer at our hands. Fortunate, indeed, would it have been for our country if this question had been satisfactorily settled before we adopted this, in my opinion, disastrous course.

We are now called upon for a loan of about $20,000,000. If this bill should pass, we shall need at least $8,000,000 more. Add to this the last loan, which, in round numbers, may be called (including Treasury notes) $14,500,000; making a net amount of $42,500,900.

I inquire, then, how is this monstrous account of expenditure to be repaid? Nay, Mr. Chairman, I ask you if there is any provision made to pay even the interest? Our external revenue, which would, in a short time, have discharged the whole of our national debt, by the war on which we have voluntarily entered, is nearly annihilated; so that, from the ordinary revenue on those branches of commerce which are permitted by law, according to Mr. Gallatin's report, we cannot expect an annual receipt into the Treasury of more than two millions and a half of dollars after this year. Our system of internal revenue has long since ceased, and the direct taxes reported at the last session of Congress, for some reason, not explained to the House, are permitted to sleep. The only resort seems to be to loans, as if this fund of individual wealth was inexhaustible. Is it then a fact that this war is to be supported almost exclusively by loans? It becomes a serious inquiry as to the facility of obtaining them. By examining the annual report of the Secretary of the Treasury, it will be found that from loans and the sale of Treasury notes, there had come into the Treasury, in the year 1812, about thirteen millions of dollars, and that by the sale of the remaining Treasury notes authorized by law, about one million and a half more might be expected to accrue, making in the whole $14,500,000. It will further appear, from the same document, that of the sums already received, there were furnished by individuals about $4,000,000, and, by banks, about $9,000,000.

If the Committee will give me their attention for a few moments longer, I will satisfy them from what parts of our country this money has been furnished. Mr. Gallatin informs us that of the $13,000,000 above-named $12,000,000 of it was furnished north of the Potomac. If this may be considered a standard by which to regulate future loans, it may not be amiss to inquire in what part of the United States the advocates of the war principally reside. Most unquestionably to the south of the Potomac. I inquire further, in what parts of our country have the pledges of life, property, and sacred honor, been most abundantly given to support the war in which we have embarked? The answer is, to the south of this place, and west of the Alleghany mountains. If the sinews of war are to be looked for to the North, and the zeal and patriotism to carry it on is found principally to the South and West, it may be useful for us to learn, first, whether the war has acquired such popularity in the Northern States as to induce the money-holders to loan liberally for its support; and, secondly, whether it will be proper for the Government to offer more than common interest to obtain the money. On the first point, I believe I am warranted in the remark, that the war fever has really abated in the Northern States. The manner in which it has been conducted, the instruments who have been appointed to command and superintend the operations of your armies, and the disgrace which has hitherto attended its operations, have seemed to convince the country, that from such management peace cannot be expected. In fact, sir, it becomes an inquiry of some importance among the yeomanry of the Northern States, why the people of Ohio, Kentucky, and Tennessee, should be so much more awake to the capture and suffering of our seafaring brethren than the people of the Atlantic States, in which they reside, or from whence they sail.

As a further evidence that the war has become more and more unpopular, since its declaration, in certain Northern sections of our country, I would turn your attention to the recent elections. Most of the gentlemen north and east of Pennsylvania who voted for the war, are now permitted to retire from public labor, and their places have been filled by men who are the friends of peace and commerce. If the Vermont election should terminate in favor of the war candidates, the election will undoubtedly be a close one; and as the change of parties since last Spring (there being a clear gain of more than three thousand votes to the peace ticket) is manifestly great, the call to the war party from that State is, "Be ye also ready." That the war may become prosperous, it must be in a good degree popular; and I have no hesitation in expressing my full conviction that this is far from being the case in the Northern States. In fact, sir, it is condemned as

an impolitic and ruinous measure by almost all men of intelligence in that country.

But I shall be told by the friends of this war, if it is indeed so unpopular, why shall it not be prosecuted, and this bill pass with all its deformities, that our power may the sooner pass into other hands?

To this I answer, that a sense of duty constrains me to warn you of the danger before it is too late; a sense of honor makes me unwilling to have my country and its armies disgraced; and that ardent love of country which prevails in my heart, forbids me to be silent, so long as any hope remains of rescuing it from impending ruin.

I inquire with no common solicitude as to the expenses and operations of the last campaign. If the patience of the Committee was not exhausted, I should deem it useful and proper to inquire into the origin and progress of the Indian war upon our frontiers. We are yet without any official information to justify the first hostile operations which were made upon the Wabash. As if all minor considerations were to be absorbed in the great contest upon which we have entered with Great Britain, the Governor of a Territory commences an offensive war with the savages; sacrifices the lives of many brave men in the field; invites the scalping knife and tomahawk into the peaceful dwellings of the frontier settlements, and expends the treasure of our country to an immense amount without any inquiry into such conduct. In better times, such an act of outrage and devastation, entailing so much misery on our own citizens, would have been examined with a scrutinizing eye. I inquire further, who has authorized the commanding officers of posts to invite the citizens of our country to flock to their standards for the purpose of invading the territory of our enemy? While the Commander-in-Chief of our armies keeps himself aloof from the scenes of action, we find one officer after another issuing proclamation upon proclamation, calling for aid from their friends, and denouncing vengeance upon their foes. As my object, under this head, is only to examine into the expense to be incurred, I inquire how this waste of public treasure is to be justified, and by whom is it authorized? Sir, my full conviction is, that one moiety at least of the expenses of the last campaign has been incurred by volunteers and militia, and, in many instances, wholly unauthorized by law. My object is to point out the evil, that, if possible, a suitable remedy may be applied. Unless something of this sort can be done, we shall expend more treasure in two years than the net expense of the Revolutionary war.

But even admitting these objections to have weight, we must have Canada, say the advocates for the war. It may not be amiss to spend a few moments in examining this question.

1st. As to the benefits to be derived; and

2d. As to the practicability of the object.

I inquire, then, if Canada should be conquered, what benefits would the United States gain by the acquisition? As to the new lands, most assuredly we do not want any more. Can it be desirable to add more territory to our Republic? Before the war was declared, some gentlemen asserted on this floor that the Canadians only waited for the occasion to present, and they would receive us with open arms, and rejoice to participate in the blessings of liberty which our Government would impart. On this subject, distressing experience has taught us the reverse; and if disgrace and discomfiture could make the lesson more impressive, our country will not soon forget it. To lose an army and a territory at a stroke is no common misfortune.

Others have asserted, that not only Upper and Lower Canada, but Halifax, Nova Scotia, and New Brunswick, must be wrested from the British Government, and annexed to our own. When I hear gentlemen indulge in such bold flights of fancy, they appear to me never to have seriously considered the hazard and uncertainty of the enterprise, the benefits to be derived from the attainment, nor the cost of the acquisition. The Government of the Canadas alone costs Great Britain more than one million sterling annually. If she would surrender to the United States her jurisdiction of all her North American colonies, my decided opinion is, that it would be bad policy to accept of them. The nature of their Government, and the mixed character of its inhabitants, would ill comport with the genius of our free institutions. In addition to this, the location of these provinces, being accessible by fleets, and some of them having very safe and capacious harbors, would require a great naval as well as Military Establishment to protect and maintain them. But this is not the most unpleasant part of the picture. I apprehend much greater difficulties will be found in the attainment of these objects than some gentlemen seem to be aware of. To appreciate the truth of this remark, gentlemen will do well to review the events of the war between France and Great Britain, as carried on in America, which closed with the peace of 1763. At that time the British colonies in North America, (now the United States,) afforded all the aid in their power to assist the mother country in the conflict. The expense was enormous, and human blood flowed in torrents from Fort Duquesne (now Pittsburg) to Ticonderoga, and from Ticonderoga to Quebec. The sanguinary conflict on the plains of Abraham, in which the gallant commanders of both armies fell, decided the fate of that city.

The frequent and unsuccessful attempts to get possession of the Canadas during the Revolutionary war may afford some useful lessons on this subject. The city of Quebec, both from its natural position and the strength of its defensive works, may be considered one of the strongest fortresses in the world. Suppose then these provinces should be overrun by our arms, so that all the lakes and land north and west of Montreal should be in our possession; I inquire if it would be good policy in this Government to maintain a military force in the field equal to the investment of Quebec? If a garrison of twelve or fifteen thousand regular troops may now be supposed to

be quartered there, and capable of being increased the next Summer to double that number, I beg gentlemen to make some rational estimate as to the force which it would be necessary to send into that country. I presume the most sanguine friends of this war do not expect that Quebec will fall during the first campaign; and if we should continue the Army for a second, I fear our present Military Establishment would be unequal to the service.

The inference from the whole is, that the prospect of success is very doubtful at least; but even if we could insure success, the price to be paid would far, very far, overbalance the value of the object when attained.

But the prosecution of the war upon the plan of invasion heretofore adopted will bring with it a train of evils not easily to be foreseen. Can any man in his senses believe that a proud, warlike, and haughty nation will suffer invasion upon her territories, and not attempt that retaliation which lies so much within her reach? Must the glory and beauty of our seaport towns, the elegance and wealth of our cities, and the comfort and happiness of thousands, and even millions of our fellow-citizens be jeopardized to the miserable policy and infatuated system of invading Canada? Be assured, Mr. Chairman, the price is too great, and sooner or later the sober reflecting part of this injured people will teach the authors of this war that their prosperity and happiness are not to be trifled with, or idly thrown away.

But, sir, when I consider the facility with which the enemy can bring distress, of the most heart-rending sort, to the very bosoms of our Southern brethren, I stand astonished at the presumption and rashness with which they seem to court the contest. If gentlemen will persist in this bloody war, they must be told that calamity and misery will be their portion. The hand of the assassin is within their own dwellings, and for aught I know the Providence of God permits this awful delusion, that vengeance may come on the most ardent authors and abettors of this war to the uttermost. Before these awful judgments shall take place, I conjure gentlemen to pause, and to remember this caution, which is given in the spirit of friendship, before it be too late. Already have we heard, and the information filled my mind with horror, that several thousand *black troops* were ready in the West Indies to begin this work of slaughter and destruction; and those who will suffer themselves to reflect must know that the nation which we have chosen for our enemy has the means at command to effect the dreadful work. But I will dismiss this painful picture with a single remark, which the subject not only justifies, but calls for. It is this: that those parts of the United States which seemed most secure, and where this *war fever* has raged the most, seem to have already been visited, and in my judgment must be visited, by a righteous Providence with the severest calamities growing out of this war. In proof of this fact look at the incursions of the savages along the whole line of our Western and Southern frontier; and if the scene is not too dreadful even to contemplate, let the slaveholding States look at their true situation, and not hasten an event which may even rival St. Domingo for suffering and wo.

But, say the friends of this war and of this bill, what would you have us do? Would you repeal the declaration of war, and deliver us over, bound hand and foot, to the enemy? To this I have a two-fold answer: First, if you would rush madly on to ruin, regardless of all advice, as well as of the most fatal consequences, it is no part of my business to extricate you from trouble; but, secondly, I reply that the path of duty is the only path of safety. The country may yet be saved by pursuing an honorable, impartial, and enlightened policy with respect to the two great belligerents. Although I cannot at this time presume to point out the only proper course which this Government ought to pursue, yet following the example of some others who have preceded me in this debate, my project shall be submitted with frankness and freedom.

I say, then, let this Government immediately take honorable, impartial, and tenable ground, and the country will support us. Determine to defend our territory, and all the citizens who inhabit the soil, and bid defiance to all Europe and the world, to drive us from our domain. Away with the silly Frenchified doctrine, "that a ship is a floating colony," and as such must be defended as a part of the territory. While we demand as our right that our native citizens shall freely navigate the ocean, let us scrupulously avoid decoying foreigners into our service; and if we guard this part of our navigation code by suitable penalties, I cannot believe the difficulties relating to a friendly intercourse would be insurmountable.

From the foregoing remarks I draw the following conclusions: 1st. That the conquest of Canada, and the other British provinces in North America, will be very difficult, if not impossible; 2d. That if we should succeed eventually in subduing them, the expense in blood and treasure would greatly exceed their value to the United States; 3d. That if these territories should be incorporated into the Union, it is probable, if not certain, that a separation of the present United States would be the consequence.

The late hour of the day, and the fatigue of the Committee, ought to admonish me to close my remarks. Had I time, and if I could prevail on the Committee to hear me, I would certainly reply to the remark, so often repeated, that the President had fully evinced his desire for peace, inasmuch as he made overtures to that effect immediately after the declaration of war. I will, however, very briefly remark, that, although a copy of the instructions given to Mr. Russell was not communicated to Congress when the President sent us the last correspondence of Mr. Russell with the British Government, yet it is sufficiently manifest that he was necessarily limited in his powers; and, although he seems to have felt somewhat wounded by the intimation of Lord Castlereagh, as to the object and sufficiency of

his powers, yet, after telling his Lordship, in his letter of September 19, 1812, "that he did not expect to hear repeated any objections on these points," he is obliged to apologize to his own Government for having acted thus extensively, and I may even add unwarrantably, under his instructions. He says in his letter, bearing date London, September 17, 1812, (which he brought himself, or more probably wrote in this place,) "had the proposition been adopted, I should not have been without all hope that it would have been approved by the President." Enough has been said, I trust, to induce us at least to doubt the declarations *in extenso*, so often made within this hall and out of it, that the olive branch has been constantly and fairly tendered to the enemy, and that it was rejected with disdain.

I have now finished the remarks which I intended to make on the bill before the Committee. I will trespass on their patience but a few minutes longer, while I state one further objection to the continuance of this war, which will be derived solely from the moral state of the world, and the peculiar character of the war in that respect. Whatever impression the following reflections may make on the minds of others, I hope I shall be credited when I say that, from this consideration alone, arguments and reasons more unanswerable than any or all others, force themselves upon my judgment, and oblige me to reprobate the war.

We live at a period, Mr. Chairman, the most solemn and eventful that this fallen world has ever witnessed. No believer in the Christian religion can be an inattentive observer of the astonishing scenes now acting on the human theatre. While the great events foretold in prophecy are unfolding in regular and rapid succession, the kingdoms and nations on the earth are solemnly forewarned how to conduct, that the calamities and judgments threatened against the ungodly may not overtake them. The whole civilized world is now in arms; and while continental Europe is convulsed to its centre, and has for many years been suffering the judgments of an holy God, for her impieties and her crimes, a great portion of the people of Great Britain have been exerting themselves to spread the knowledge and influence of that religion which alone can remove the malady and heal the nations. While societies and institutions have been formed for this most benevolent purpose in Great Britain, many of our own countrymen have united with them in the glorious work of sending the Holy Scriptures to the heathen throughout the world; thereby introducing light, and peace, and joy, into the abodes of ignorance, hostility, and wo. Is it then a matter of no consequence to the people of this country that these fair and happy prospects should be checked, and, perhaps, blasted forever, by this unhappy war? And can it be unworthy the legislators of a Christian people to reflect that they are now waging an offensive war, and one which, in its consequences, may be found to be directed against Him who is the God of Armies? It is also a most deplorable consideration that a continuance in this war may unite us to the destinies of those against whom the Great Jehovah is now pouring out the full vials of his wrath. This is the bitterest ingredient in the cup, of which we have begun to drink. When I reflect on these awful and solemn events, I cannot but weep for my infatuated country; and if I had an angel's voice I would call on every rational creature in these United States, as well as on this honorable Committee, and entreat them to pause and consider, before our country's doom shall be forever sealed.

When Mr. T. concluded, the House adjourned.

FRIDAY, January 8.

Mr. DINSMOOR presented a resolution of the Legislature of New Hampshire, requesting their delegation in Congress to procure the passage of a law raising the wages of the militia detached from that State.—Referred to the Committee on Military Affairs.

The bill for the relief of J. Binnion was read a third time and passed.

MOUNTED RANGERS.

Mr. JENNINGS said, that it must be recollected by the House, that the act which was passed at the last session of Congress, for the raising certain companies of rangers for the protection of the frontiers, had expired. Those rangers were raised under the apprehension of attacks from the savages; and these apprehensions have unfortunately been realized far beyond the general anticipation. When those companies were raised, Mr. Speaker, we expected long since to have taken possession of the British Province of Upper Canada, thereby to have intercepted the connexion and communication between the British and the northwestern Indians. It will therefore readily be perceived, that in consequence of our disappointed expectations in that quarter, the northwestern frontier will be more exposed to the savage knife and tomahawk, at the opening of the approaching Spring, than they have been heretofore. This description of force, if again organized, and stationed at suitable points without the frontier settlements, will render it more efficient, and in a better situation to range the woods and prevent the unapprized attack of the savage upon the helpless women and children. If we had to expect invasion from a civilized foe, our situation would not excite so much terror, but the savage character draws no distinction between the helpless infant and the prisoner of war. Under such circumstances, no calculation of expenditure ought to have any weight against a measure calculated to afford a necessary and proper protection to such an important and extensive frontier of the United States. The secrecy and facility with which the savages can assail that frontier, renders it improper that we should depend entirely for protection upon the volunteers and militia of an adjoining State. They carry with them their prejudices, and too often forget the sacred rights of private property.

This fact has unfortunately been verified by a petition which I presented yesterday from the Territory which I represent. But I cannot believe that such is the character of the citizens of Kentucky, although I do believe, that the cause of that plundering, so far as it did take place in the western past of the Territory of Indiana, by a portion of the Kentucky volunteers, may be found in the unhallowed exertions of local political purposes, to impress on the minds of at least some of those volunteers, that they were to defend British agents, British partisans, and persons having connexion with the savages.

I shall now (said Mr. J.) present to the House the following resolutions, which I have prepared, as well for the purpose of offering a bounty in lands to those who would volunteer their services as rangers for the protection of the northwestern frontier, as for the purpose of inquiring into the expediency of paying the militia and volunteers who have already rendered important services in shielding the helpless from savage cruelty—

"*Resolved*, That the Committee on Military Affairs be, and they are hereby, directed to inquire into the expediency of authorizing the President of the United States to raise at least twelve companies of rangers, by the acceptance of volunteers or enlistment for one year, to be mounted or otherwise, as the service may require.

"*Resolved*, That the said committee inquire into the expediency of allowing a bounty in land to those who shall tender their services as rangers, and be accepted by the President of the United States.

"*Resolved*, That the said committee inquire likewise into the expediency of making provision for compensating the militia or volunteers, who may have been called out, or whose services may have been accepted by the Executives of either of the Territories of the United States."

The resolutions were ordered to lie on the table.

ADDITIONAL MILITARY FORCE.

The House again resolved itself into a Committee of the Whole, on the bill from the Senate authorizing the raising of twenty thousand men, for one year, if in the opinion of the President of the United States the public service shall require it.

Mr. WHEATON said: Mr. Speaker, every intelligent man, whose age has given him an opportunity of combining experience with observation, must know that there are times when, on certain questions relating to the great interests of the nation, the sober remonstrances of truth and reason are of little or no avail against the misguided impetuosity of public prejudice. To such a crisis, if we have not already arrived, it is greatly to be feared that we are fast approaching. To float along the current of popular opinion requires very little exertion; but the man that is placed in a situation where the public safety demands that he should stem the torrent and buffet the storm, cannot but reflect, with peculiar sensibility, on the very unequal task he has to perform. The bill, now under consideration, has opened a field of discussion on the general policy of the war, in which its advocates and opponents seem to have given full range to their imaginations; and the arguments, on both sides, have apparently been attended with various success. There can, however, be little doubt on which side the victory will finally be declared. It is well known that the majority are determined, and the bill will pass. I had therefore resolved to take no part in the dispute, but to content myself with giving a simple vote. But, reflecting that I am called upon to act on a subject by me deemed important, not only for myself, but for the good of the people whom I have the honor to represent, who will be equally interested in the result, I have felt myself impelled, both by duty and inclination, to state some of the reasons on which that vote will be grounded.

The bill proposes giving authority to the President of the United States to raise twenty thousand regular troops, in addition to the thirty-five thousand already authorized by law. This may be right or wrong, proper or improper, according to times and circumstances, and the objects which the measure is contemplated to effect. Were the country invaded by a foreign foe, and a foe so powerful as to make this additional number of troops necessary for its defence, I should say it were right and proper to raise them, whatever expense it might be to the nation. But if, as the advocates of the bill profess, these men are to be enlisted, and, together with those heretofore authorized, are to form a powerful army for the purpose of foreign conquest, I have no hesitation in giving it, as my opinion, that it is improper and wrong, or, at least, as the President has told us respecting the French decree repealing those of Berlin and Milan, that "the proceeding is rendered, by the time and manner of it, liable to many objections." Objections, it is apprehended, may arise from want of powers given to Congress by the Constitution, either expressed or implied, to do this thing, with its professed object in view—that is, foreign conquest. And if these are unavailing, common reason and common sense furnish objections, sufficiently strong, to the expediency of our undertaking such enterprises. Objections, for want of sufficient powers given by the Constitution, may be considered as novel; but, if sound, they should nevertheless prevail. The war itself is novel, this being the first of the kind that ever we have undertaken since that instrument was formed, or since we became an independent nation. If the Constitution gives Congress any power to carry on foreign wars, those powers must be collected from expressions it contains, or from some clear and necessary implication from something that is therein expressed. It will be very readily admitted, that our national Government is a Government of a very simple construction, and that it possesses very limited powers; being established by compact, not by conquest, it has not all the powers incident to the sovereignties of other countries; not produced *by* conquest, it was not made *for* conquest. "The 'enumeration of certain rights in the Constitu- 'tion shall not be construed to deny or disparage 'others retained by the people;" and the powers 'not delegated to the United States by the Con- 'stitution, nor prohibited by it to the States, are

'reserved to the States, respectively, or to the 'people." The framers of this Constitution took particular care, not only to define the powers they intended to give, but the objects to which that power should be applied, and therefore, but for those defined objects, Congress have no powers at all. The objects are first pointed out clearly and plainly, and then the powers necessary to their attainment. The people of this country, after having effected the Revolution and established their independence, considering their great transmarine distance from the nations of the Old World, and all their jarring and rival interests, flattered themselves with the expectation of long peace. Unapprehensive of being attacked at home, they had no idea of making war for the purpose of conquest abroad. "Peace and friendship with all nations, entangling alliances with none," was their motto, and the same sentiment has been sanctioned by a man, whom the advocates of this war have never ceased to admire. An aversion to standing armies was among the causes that induced the Declaration of Independence; without standing armies, it was then believed, and we now know full well, foreign wars cannot be carried on. Foreign wars did not, therefore, come within the scope of that policy that dictated the Constitution. I am not insensible, that, by the Constitution, a power is given to Congress to declare war, (not to make it,) but their power is not to be exercised but in the spirit of that instrument, and for the attainment of some or all of the objects for which it was framed. And what are those objects? Why, and for what was the Constitution made? Its authors have told us. It was for "the forming of a more perfect union, establishing justice, insuring domestic tranquillity, providing for the common defence, promoting the general welfare, and securing the blessings of liberty to ourselves and our posterity," and all these benefits for the people that then did, or who thereafter should, belong to, or reside in the territory then embraced by the United States, and none other. The Constitution was not made for any other, nor can it give jurisdiction over any other. If all or any of these objects are endangered, and it can be made to appear that raising the additional army proposed by this bill be necessary to the preservation and security of them, and can afford a rational prospect of producing such an effect, then my objections to the measure, so far as they arise from the apprehension of the want of Constitutional authority, will be obviated. But here, permit me to ask, whether adding twenty thousand new troops to our present regular army, will be likely to have the effect of forming a more perfect union among the people of these States, or whether the little progress already made in the war has not produced fearful apprehensions of a sad reverse? If justice be not already established in our country, can there be any probability that a more formidable army will effect an object so desirable? No; for it is a well-known maxim, as true now, as in those ancient times when it was written, that "*Inter arma leges silent.*" So romantic an idea, as being able to establish justice through the world, could not have entered the heads of those that framed the Constitution. Much has been said respecting the laws of nations; but they are now no where to be found, but in those books that treat on that subject; they were formed by the nations of the civilized world, and evidenced by the treaties, compacts, and agreements, entered into by them; but the Governments of Europe, in their struggle for power and dominion, seem to have disregarded or broken them down; and they being the majority in number, and superior in strength, it is not at present in our power to build up and enforce them. The unavoidable state of the world must be submitted to, until human nature shall, by its Great Author, be corrected. Nor can we, from what we have experienced, promise ourselves, from foreign war, an increase of tranquillity at home. But we are authorized, and are bound to provide for our common defence, and to raise armies, as well of regulars as militia, for that purpose, whenever the unfortunate situation of our country may render such a measure necessary; and our raising of a regular army could never have been contemplated by the framers of the Constitution for any other purpose, and therefore give no authority so to do, and, as if conscious that this were the case, the committee that penned the act passed by Congress in June last, declaring war, made use of a form altogether unusual in other countries on similar occasions. The act declares that "war exists between the United Kingdoms of Great Britain and Ireland, and the United States;" going upon the idea, that hostilities had then been actually commenced against us by that Government, and our country invaded by a British armed force. Such a doctrine would have been very proper, and it might have been proper to raise armies in pursuance of it, had it been true. But such was not the fact. No hostile invasion of the country, by the British Government, had then been made, attempted or threatened. But some may say, and do say, that, if it were not a point then, it is now, and that, therefore, if we had no right to raise regular armies then, it being a time of peace, we may feel ourselves fully authorized now, since war has been declared, to raise new ones, or make additions to the old. This, indeed, would be contrary to a principle universally received and adopted, that no one should be permitted to take the advantage of his own wrong.

I know it is a doctrine, that the ruling party in this country, both in and out of this House, are every day zealously endeavoring to inculcate, that even admitting the war to have been wrong, at its commencement, it has now become the Constitutional duty of its original opponents to afford every aid and encouragement to its prosecution. But this is a doctrine that I think no one can yield his assent to, till he is made to believe, that two lines, constantly diverging, may finally meet in the same point. If our country has been in any degree invaded, and such invasion be in consequence of our having first invaded the territories of the invaders, it is proper

for us, by withdrawing the cause, to put an end to the effect. The last, and not the least object of the powers given by the Constitution, is "to secure the blessings of liberty to ourselves, and our posterity." Many arguments cannot be necessary to show the tendency of foreign wars to destroy liberty. I believe history does not furnish an instance of any people long free, after engaging in the mad projects of foreign conquest. While Rome was content with her ancient boundaries, her inhabitants were blest with freedom; but, afterwards, jealousies, tumults, insurrections, and seditions, and those two great plagues and scourges of mankind, anarchy and tyranny, following in the train, destroyed every vestige of liberty among that people. Is there any liberty left among the people of France, or of those countries that France has conquered? Fortunate for them, if they are less enlightened than we are; for, in such case, though slaves, they may not be quite so miserable ones. "The very age and body of our Constitution, its form and pressure," indicative of the genius and temper of the people that adopted it, are all opposed to the prosecution of wars for conquest. Such enterprises must not be undertaken, or the Constitution must be destroyed. Gentlemen seem already inclined to attribute the disgrace and defeats that have hitherto marked our progress in this war, rather to the form and Constitution of our Government, than to the weakness and folly of its Administration. The French Emperor has been extolled, and his mode of conducting wars has been more than intimated as being worth our imitation. If, in making foreign conquests, we would have his success, we must make use of his means, and then we may bid adieu to our former happy institutions, our laws, and our liberty. On this ground, therefore, I am opposed to the progress of this war. But if I had not a scruple left, as to the authority given to Congress by the Constitution to make this war for conquest, (and perhaps I ought not to have,) my sense of its inexpediency, while I shall have any regard for the welfare and prosperity of my country, will forever forbid my giving it the smallest aid.

A war, admitting circumstances to be such as to render it justifiable on moral principle, (and an offensive war I think never can be,) and admitting, also, that the Government of the country is authorized by its Constitution to make it, may be expedient or inexpedient, according to the value of the object proposed to be obtained, the probability of obtaining it, and the inconvenience and expense attending it. The avowed object of progressing in the war that has been undertaken, for which these men are proposed to be raised, is the conquest of the Canadas, and, some say, all the British possessions in America. Of what probable value will the Canadas be to the United States, should we succeed in conquering them? Do we want more land? We now have within the country, over which the Constitution was intended to give jurisdiction, many millions of acres, as yet untrodden by the foot of civilized man. Do we want a conquered people, that cannot be kept in subjection without a permanent regular army? Or is it intended, when conquered, to embrace them as fellow-citizens? The Canadians are British subjects, they have British prejudices, and are attached to the British Government; and shall we be willing that they should have an hand in governing us, and thereby increase the British influence among us, said to be too great already? I think not. The condition of our country must be vastly more happy without holding them, either as conquered provinces, or taking them into any connexion with us. They wish not to injure us; we ought not to injure them. But what is the probability of our speedily effecting this mighty conquest, if we could anticipate any great benefit or advantage from it? Our past attempt affords little encouragement as to the future. Our troops, though they might be valiant in a better cause, have given little evidence of their zeal in this. Experience has indeed established the fact, that it is no easy task to conquer any people, determined to defend themselves, unless recourse is had to those intrigues which we condemn in other nations. It is true, that this very country has been once conquered; but, at that time it contained but a small proportion of inhabitants to what it now does; and it may be well recollected, that that conquest was not effected till after a severe struggle of a number of years continuance, by the people then inhabiting the territory now constituting the United States, aided by the land and naval forces of Great Britain, with a man at their head, who, for that very exploit, then thought almost miraculous, has been celebrated in song from that day to this.

But although it may be admitted possible, that with many and great difficulties, the loss of much blood, and the expense of much treasure, such a conquest may be made, provided the whole physical strength of the United States could at once be pointed to that object, yet the prospect is still dubious; for a union in such an enterprise cannot at present take place. And the reason is plain; it is because the people cannot be made to believe it an object worth their pursuit. The gentlemen who are the advocates of this war, are constantly complaining of a want of union among the people in its prosecution, and calling upon us to unite with them; but this cannot be without the sacrifice of principle, which we ought to hold more valuable than both Canadas. Nor can the people be ever induced to make this conquest an object with them, as long as they are permitted to think and speak and act for themselves; and how long that will be, is known only to Him who holds the destinies of nations in His hands, and to whose all-seeing eye the past and the future are equally open. But, however alarming may be the prospect, and however confident we may be of accomplishing the design, it would have been wise in us before we began, and it will be wise in us now, before we further proceed in our attempts to conquer those countries, well to consider what will be the probable cost. And here I must request the aid of those that are

more curious at computation than myself, to cast up the mighty sum. If it be only forty millions a year, as some gentlemen candidly suppose, and seven years in the operation, it will be two hundred and eighty millions; a sum, that the whole people of the United States cannot at present pay, and the very interest of which must be an intolerable burden for many years to come. Of this, they will be made sensible, when the tax-gatherers shall be found knocking at the poor man's door. And if the possession of the Canadas should be acquired, they cannot be retained to any valuable purpose to us, nor without ruin to the inhabitants, unless we can also command the river St. Lawrence, their only outlet to the ocean; and in order to this, we must also have New Brunswick and Nova Scotia. The conquest of those countries has indeed been talked of (though somewhat faintly) as being within the view of the advocates of the war. The taking of Halifax may be a picture in the head of fame, but if attempted with our present means, will be found to be a pang in the heart of many. The thing may be talked of pompously, it may be even recommended gravely; but, after all, our experience must despair of it irretrievably. But if the possession of these British provinces be attainable, and if easily attained, will this be likely to have the effect of inducing that Government against which we are conducting this war, to relinquish the claim relating to the impressment of seamen; which seems to be the great, and, indeed, at present, the only point of dispute between us? If not, then our wishes will not give us our wish, and succes will only teach us to despair. Gentlemen say that Great Britain, when more depressed than she is now, when surrounded by a world in arms, would pay no attention to our remonstrances on that subject. And do we expect to coerce that nation into a compliance with our demands, by taking from her a little, frozen, barren territory, which has been to her, as it must be to us, if acquired, more expense in keeping it, than any advantage that ever has been, or ever can be derived from it? If we wish to establish and secure our rights upon the water, it is upon that element that we must be prepared to contend, if we contend at all. That a single native American citizen should be taken on board a British ship of war, and be there compelled to serve against his will, is much to be regretted; and that there have been such instances there cannot be a doubt; although I believe the number to be much smaller than has generally been represented. But it being acknowledged to be an evil, and a great evil, the question is, what is the proper remedy to be applied; and what remedy we are able to apply, without increasing, rather than diminishing the evil. The evil has grown out of circumstances beyond our control. Before the war commenced between England and France, we had no complaints on this subject to make; and probably never should have had, had it not been for the great similarity in language, complexion, habits, and manners, that exists between the English and American sailors; and had it not been, that many of the former had came into our service. The British Government, although they always insisted on their right to the services of their own men in time of war, have never claimed ours, but have always expressed a willingness to release any that might be in their employ, that should be ascertained to be American. Hence, though the impressment of our seamen has been a subject of complaint under every Administration, it has always been considered, until the present unfortunate crisis, as a thing to be obviated by negotiation rather than war. And if the passions excited by the Revolution had not survived that struggle, and the calamities of that war had been forgotten when the sword was sheathed, there would probably have been much less difficulty in coming to an amicable adjustment on this subject, than there has been. Indeed, if the treaty negotiated by the present Secretary of State, in 1806, had been accepted and confirmed by the then Executive of the United States, we might have still remained a prosperous and happy people, and escaped all the calamities of the present war. Those, therefore, that delight in war, may bless the memory of that man; but those that prefer peace must execrate it forever.

There are evils in the world, that arise out of the present unconnected state of human nature, from which we cannot claim nor expect a total exemption. From the wars in Europe our country has derived great advantages—advantages that have been more than a balance for all the evils we have suffered from them. Was it, then, wise and prudent in us to cast this balance of good away, because we could not obtain an entire exemption from evil? Or is it now wise in us to continue the war against England because, in seeking for their own men that have been taken on board our vessels, they may, by mistake, take and for some time detain some of ours, when it is certain that this will put in their power ten times as many whose release we shall be unable to procure till the war is ended?

Gentlemen, unreluctant at the destruction of the harmless Canadians, in order to impress on our minds the necessity of a further progress in the war, have endeavored to awaken our sympathies by a recital of Indian barbarities. But, however savage and barbarous when provoked, it will be found on examination that that wretched portion of the human race "are more sinned against than sinning." They will leave us undisturbed if we do not disturb them. After all, if nothing else be sufficient to rouse the people to arms, it is said that our honor as a nation is at stake, and we must fight for that, and for that the patriotism of the country is to be put in requisition and tested. There was a time when patriotism was a word of pleasing import, honor of charming sound; the one struck the imagination, and the other engaged the affections with a fond, a winning address. But these words seem now to have lost their original meaning, and having become so tarnished by so frequently passing through the mouths of such and so many, it is

almost time to lay them aside as inelegant and obsolete. That principle, once known by the term of honor, is always within our own keeping. If we have lost it, it is a fault of our own and not chargeable to the conduct of any other nation or Government, and we cannot regain it by fighting; and if we have it, and choose to keep it, not even the great Napoleon himself can deprive us of it, notwithstanding he may see fit to publish to the world, as he has done, that we are a people "without just political views, without honesty, and without honor—that our independence is but a name, and Congress inferior to a Jamaica Assembly." If we be true to ourselves and just to others, and act like a nation of Christians, we shall be honorable. Nor shall we give any very strong evidence of love to our country by engaging in a contest wherein the certain loss might far exceed the probable gain. The Committee on Foreign Relations have told us that they are not of that sect that worship at the shrine of calculating avarice; but unless we can procure something from that sect with which to make a sacrifice at the shrine of ambition, the deity who there presides will not look upon us with a very propitious eye. It is the palm and not the laurels that this nation wants. I am sensible that opposition to the present war is considered by some as evidence of a friendly disposition towards Great Britain and hostility to our own country. But in this gentlemen are mistaken. It is because I love my country that I hate the war. It is true that many of the institutions and laws, that are of British origin, which have been adopted and practised upon in the United States and become part of our common law, cannot fail to attract the admiration and approbation of every well informed and well disposed man—and if this be sufficient to denominate a British partisan then I am not unambitious of the name. But having been born in this country, having lived in it from my birth, being able to trace up my ancestry in it for more than a century, and having no connexions abroad, in interest or affection, my views and my feelings are wholly American. Some gentlemen have undertaken to state that there is a party in this country prejudiced against their own, and strongly in favor of the British Administration. And to prove this the Henry plot (so called) has been introduced into the discussion, as containing some very valuable discoveries, which, admitted to have cost fifty thousand dollars, are affirmed to be worth a million. Those communications, however, when thoroughly examined, are not found to contain anything very new, and of course one might suppose them not to be quite so valuable. For although it is therein stated that the then Administration was "a muddy commixture of folly, weakness, and duplicity," assurance is given that "the opposition party do not freely entertain the project of withdrawing the Eastern States from the Union." But if indeed those discoveries were worth a million of dollars, they were not worth the sacrifice of a single truth by an honest man. The communication of them was made to Congress on the 9th of March last, as having been received in a letter dated at Philadelphia, the 20th of February last, notwithstanding it has been ascertained that they were bought and paid for as early as the 11th of the same month.

I have never been made to believe that there is any number of men in this country that wish, or who would acquiesce in, its subjection to Great Britain, nor indeed to France. Yet it is impossible for me wholly to exclude from my mind the belief that our Administration, either through fear, favor, or affection, have been in some degree partial to the latter. As evidence of it, it is unnecessary, at present, to look any further back than to the passage of the act of the 2d of May, 1810, from which, through a chain of events, the present war has resulted. That act invited, in a new form, a termination of the French edicts and the British Orders in Council against our neutral commerce; but it was unfortunately passed without a full knowledge of our existing relations with the former at the time. The French Emperor, on the 23d of March preceding, had made a decree, which had not then been published, and was to us wholly unknown, for the sequestration of all American property found within his ports. This violent proceeding against every principle of justice having come to the knowledge of our Government, the then Secretary of State, in his letter of the 5th of June following, very properly directed Mr. Armstrong to inform the French Government that if the arrangement contemplated by the law should be acceptable, yet it was not the purpose of the President to proceed in giving it effect, in case the late seizure of the property of the citizens of the United States should have been followed by an absolute confiscation, and restoration finally refused: and yet, after being informed by Mr. Armstrong's letter of the 12th of September that such restoration had been absolutely refused, he did proceed in giving effect to the war, in favor of France. And in a letter of our Secretary to Mr. Armstrong of the 15th of July, in the same year, he very humbly states, that, "if it should be 'necessary for you to meet the question, whether 'the non-intercourse will be removed against 'Great Britain, in case she should not compre-'hend, in the repeal of her edicts, her blockades, 'which are not consistent with the laws of na-'tions, you may, should it be found necessary, 'let it be understood that a repeal of the illegal 'blockades of a date prior to the Berlin decree, 'namely, that of May 1806, will be included in 'the condition required of Great Britain," a thing not named in the arrangement made with Mr. Erskine, nor contemplated when the act of May was passed. He then goes on to say, in a strain still more humble, that "with respect to blockades 'of a subsequent date, or not against France, you 'will press the reasonableness of leaving them, 'together with future blockades, not warranted 'by public law, to be proceeded against by the 'United States, in the manner they may choose 'to adopt." Now, why all this should be said, unless there be some secret understanding, that

nothing is to be done by our Government without the consent of that of France, even when the interest of France is not concerned, it is difficult to determine. At any rate, we are now engaged in a war on the side of France against Great Britain, and the effect of it must be, if it has any effect at all, other than bringing ruin on ourselves, to increase the power of the former, and diminish or destroy that of the latter; and thus we are to assist the great Napoleon, in whose hands a treaty is no more than a twist of rotten silk, in all his projects of ambition,

"To canton out the kingdoms of the earth,
In frantic fits of visionary power,
To soothe his pride, and bribe his fellow-madmen."

To this I cannot give my consent; but even at the hazard of the imputation of being a British partisan, I feel myself compelled to say that I rejoice that there is still remaining on earth one nation whose monarch has the power, and in the hearts of whose subjects there is a disposition to set bounds to the overwhelming influence of that man, who, like some proud river that has left his banks, is threatening inundation to the world. My soul sickens at the thought of progressing in this war—I cannot, I will not vote for this bill.

Mr. H. CLAY (Speaker) said he was gratified yesterday by the recommitment of this bill to a Committee of the whole House, from two considerations: one, since it afforded to him a slight relaxation from a most fatiguing situation; and the other, because it furnished him with an opportunity of presenting to the Committee his sentiments upon the important topics which had been mingled in the debate. He regretted, however, the necessity under which the Chairman had been placed of putting the question,* precluded him from an opportunity he had wished to have enjoyed of rendering more acceptable to the Committee anything he might have to offer on the interesting points it was his duty to touch. Unprepared, however, as he was to speak on this day, of which he was more sensible from the ill state of his health, he would solicit the attention of the Committee for a few moments.

I was a little astonished, I confess, said Mr. C., when I found this bill permitted to pass silently through the Committee of the Whole, and that, not until the moment when the question was about to be put for its third reading, was it selected as that subject on which gentlemen in the opposition chose to lay before the House their views of the interesting attitude in which the nation stands. It did appear to me that the loan bill, which will soon come before us, would have afforded a much more proper occasion, it being more essential, as providing the ways and means for the prosecution of the war. But the gentlemen had the right of selection, and having exercised it, no matter how improperly, I am gratified, whatever I may think of the character of some part of the debate, at the latitude in which for once they have indulged. I claim only, in return, of gentlemen on the other side of the House, and of the Committee, a like indulgence in expressing, with the same unrestrained freedom, my sentiments. Perhaps in the course of the remarks which I may feel myself called upon to make, said he, gentlemen may apprehend that they assume too harsh an aspect; I have only now to say that I shall speak of parties, measures, and things, as they strike my moral sense, protesting against the imputation of any intention on my part to wound the feelings of any *gentleman*.

Considering the situation in which this country is now placed, in a state of actual war with one of the most powerful nations on the earth, it may not be useless to take a view of the past, of various parties which have at different times appeared in this country, and to attend to the manner by which we have been driven from a peaceful posture. Such an inquiry may assist in guiding us to that result—an honorable peace—which must be the sincere desire of every friend to America. The course of that opposition, by which the administration of the Government had been unremittingly impeded for the last twelve years, was singular, and, I believe, unexampled in the history of any country. It has been alike the duty and the interest of the Administration to preserve peace. Their duty, because it is necessary to the growth of an infant people, their genius, and their habits. Their interest, because a change of the condition of the nation brings along with it a danger of the loss of the affections of the people. The Administration has not been forgetful of these solemn obligations. No art has been left unessayed; no experiment, promising a favorable result, left untried to maintain the peaceful relations of the country. When, some six or seven years ago, the affairs of the nation assumed a threatening aspect, a partial non-importation was adopted. As they grew more alarming, an embargo was imposed. It would have attained its purpose, but it was sacrificed upon the altar of conciliation. Vain and fruitless attempt to propitiate! Then came a law of non-intercourse, and a general non-importation followed in the train. In the meantime, any indication of a return to the public law and the path of justice, on the part of either belligerent, are seized with avidity by the Administration—the arrangement with Mr. Erskine is concluded. It is first applauded, and then censured by the opposition. No matter with what sincerity the Administration cultivates peace, the opposition will insist that it alone is culpable for any breach between the two countries. Because the President thought proper, in accepting the proffered reparation for the attack on a national vessel, to intimate that it would have better comported with the justice of the King (and who does not think so?) to punish the offending officer, the opposition, entering into the royal feelings, sees in that imaginary insult abundant cause for rejecting Mr. Erskine's arrangement. On ano-

* The Chairman had risen to put the question, which would have cut Mr. C. off from the chance of speaking, by returning the bill to the House.

ther occasion, you cannot have forgotten the hypercritical ingenuity which they displayed to divest Mr. Jackson's correspondence of a premeditated insult to this country. If gentlemen would only reserve for their own Government half the sensibility which is indulged for that of Great Britain, they would find much less to condemn. Restriction after restriction has been tried; negotiation has been resorted to, until longer to have negotiated would have been disgraceful. Whilst these peaceful experiments are undergoing a trial, what is the conduct of the opposition? They are the champions of war; the proud, the spirited, the sole repository of the nation's honor; the exclusive men of vigor and energy. The Administration, on the contrary, is weak, feeble, and pusillanimous—"incapable of being kicked into a war." The maxim, "not a cent for tribute, millions for defence," is loudly proclaimed. Is the Administration for negotiation? The opposition is tired, sick, disgusted with negotiation. They want to draw the sword and avenge the nation's wrongs. When, at length, foreign nations, perhaps, emboldened by the very opposition here made, refused to listen to the amicable appeals made, and repeated and reiterated by the Administration, to their justice and to their interests; when, in fact, war with one of them became identified with our independence and our sovereignty, and it was no longer possible to abstain from it, behold the opposition becoming the friends of peace and of commerce. They tell you of the calamities of war; its tragical events; the squandering away of your resources; the waste of the public treasure, and the spilling of innocent blood. They tell you that honor is an illusion! Now we see them exhibiting the terrific forms of the roaring king of the forest. Now the meekness and humility of the lamb! They are for war, and no restrictions, when the Administration is for peace; they are for peace and restrictions, when the Administration is for war. You find them, sir, tacking with every gale, displaying the colors of every party, and of all nations, steady only in one unalterable purpose: to steer, if possible, into the haven of power.

During all this time the parasites of opposition do not fail by cunning sarcasm or sly inuendo to throw out the idea of French influence, which is known to be false; which ought to be met in one manner only, and that is, by the lie direct. The Administration of this country devoted to foreign influence! The Administration of this country subservient to France! Great God! how is it so influenced? By what ligament, on what basis, on what possible foundation, does it rest? Is it on similarity of language? No! we speak different tongues; we speak the English language. On the resemblance of our laws? No! the sources of our jurisprudence spring from another and a different country. On commercial intercourse? No! we have comparatively none with France. Is it from the correspondence in the genius of the two Governments? No! here alone is the liberty of man secure from the inexorable despotism which everywhere else tramples it under foot. Where, then, is the ground of such an influence? But, sir, I am insulting you by arguing on such a subject. Yet, preposterous and ridiculous as the insinuation is, it is propagated with so much industry, that there are persons found foolish and credulous enough to believe it. You will, no doubt, think it incredible (but I have nevertheless been told the fact) that an honorable member of this House, now in my eye, recently lost his election by the circulation of a story in his district, that he was the first cousin of the Emperor Napoleon. The proof of the charge was rested on a statement of facts which was undoubtedly true. The gentleman in question, it was alleged, had married a connexion of the lady of the President of the United States, who was the intimate friend of Thomas Jefferson, late President of the United States, who some years ago was in the habit of wearing red French breeches. Now, taking these premises as established, you, Mr. Chairman, are too good a logician not to see that the conclusion necessarily followed!

Throughout the period he had been speaking of, the Opposition had been distinguished, amidst all its veerings and changes, by another inflexible feature—the application of every vile epithet, which our rich language affords, to Bonaparte. He has been compared to every hideous monster and beast, from that of the *Revelations* to the most insignificant quadruped. He has been called the scourge of mankind, the destroyer of Europe, the great robber, the infidel, and—Heaven knows by what other names. Really, gentlemen remind me of an obscure lady in a city, not very far off, who also took it into her head, in conversation with an accomplished French gentleman, to talk of the affairs of Europe. She, too, spoke of the destruction of the balance of power; stormed and raged about the insatiable ambition of the Emperor; called him the curse of mankind—the destroyer of Europe. The Frenchman listened to her with perfect patience, and when she had ceased, said to her, with ineffable politeness: "Madam, it would give my master, the Emperor, infinite pain, if he knew how hardly you thought of him."

Sir, gentlemen appear to me to forget that they stand on American soil; that they are not in the British House of Commons, but in the Chamber of the House of Representatives of the United States; that we have nothing to do with the affairs of Europe—the partition of territory and sovereignty there—except in so far as these things affect the interests of our own country. Gentlemen transform themselves into the Burkes, Chathams, and Pitts, of another country, and forgetting, from honest zeal, the interests of America, engage, with European sensibility, in the discussion of European interests. If gentlemen ask me, if I do not view with regret and sorrow the concentration of such vast power in the hands of Bonaparte? I reply, that I do. I regret to see the Emperor of China holding such immense sway over the fortunes of millions of our species. I

regret to see Great Britain possessing so uncontrolled a command over all the waters of our globe. And if I had the ability to distribute among the nations of Europe their several portions of power and of sovereignty, I would say that Holland should be resuscitated, and given the weight she enjoyed in the days of her De Witts. I would confine France within her natural boundaries—the Alps, the Pyrennees, and the Rhine—and make her a secondary naval Power only. I would abridge the British maritime power, raise Prussia and Austria to first-rate Powers, and preserve the integrity of the Empire of Russia. But these are speculations. I look at the political transactions of Europe, with the single exception of their possible bearing upon us, as I do at the history of other countries or other times. I do not survey them with half the interest that I do the movements in South America. Our political relation is much less important than it is supposed to be. I have no fears of French or English subjugation. If we are united, we are too powerful for the mightiest nation in Europe, or all Europe combined. If we are separated, and torn asunder, we shall become an easy prey to the weakest of them. In the latter dreadful contingency, our country will not be worth preserving.

Next to the notice which the Opposition has found itself called upon to bestow upon the French Emperor, a distinguished citizen of Virginia, formerly President of the United States, has never for a moment failed to receive their kindest and most respectful attention. An honorable gentleman from Massachusetts, (Mr. Quincy,) of whom, I am sorry to say, it becomes necessary for me, in the course of my remarks, to take some notice, has alluded to him in a remarkable manner. Neither his retirement from public office, his eminent services, nor his advanced age, can exempt this patriot from the coarse assaults of party malevolence. No, sir. In 1801, he snatched from the rude hands of usurpation the violated Constitution of his country, and *that* is his crime. He preserved that instrument, in form and substance and spirit, a precious inheritance for generations to come, and for *this* he can never be forgiven. How impotent is party rage directed against him! He is not more elevated by his lofty residence, upon the summit of his own favorite mountain, than he is lifted by the serenity of his mind, and the consciousness of a well-spent life, above the malignant passions and the turmoils of the day. No; his own beloved Monticello is not less moved by the storms that beat against its sides than he hears with composure (if he hears at all) the howlings of the whole British pack, set loose from the Essex kennel! When the gentleman to whom I have been compelled to allude shall have mingled his dust with that of his abused ancestors; when he shall be consigned to oblivion, or, if he lives at all, shall live only in the treasonable annals of a certain junto; the name of Jefferson will be hailed as the second founder of the liberties of this people, and the period of his administration will be looked back to as one of the happiest and brightest epochs in American history. I beg the gentleman's pardon; he has secured to himself a more imperishable fame. I think it was about this time four years ago, that the gentleman submitted to the House of Representatives an initiative proposition for an impeachment of Mr. Jefferson. The House condescended to consider it. The gentleman debated it with his usual *temper*, *moderation*, and *urbanity*. The House decided it in the most solemn manner; and, although the gentleman had somehow obtained a second, the final vote stood, *one* for the proposition, 117 against it! The same historic page that transmitted to posterity the virtues and the glory of Henry the Great of France, for their admiration and example, has preserved the infamous name of the fanatic assassin of that excellent monarch. The same sacred pen that portrayed the sufferings and crucifixion of the Saviour of mankind, has recorded, for universal execration, the name of him who was guilty, not of betraying his country, but (a kindred crime) of betraying his God!

In one respect there is a remarkable difference between Administration and the Opposition—it is in a sacred regard for personal liberty. When out of power my political friends condemned the surrender of Jonathan Robbins; they opposed the violation of the freedom of the press, in the sedition law; they opposed the more insidious attack upon the freedom of the person, under the imposing garb of an alien law. The party now in opposition, then in power, advocated the sacrifice of the unhappy Robbins, and passed those two laws. True to our principles, we are now struggling for the liberty of our seamen against foreign oppression. True to theirs, they oppose the war for this object. They have indeed lately affected a tender solicitude for the liberties of the people, and talk of the danger of standing armies, and the burden of taxes. But it is evident to you, Mr. Chairman, that they speak in a foreign idiom. Their brogue betrays that it is not their vernacular tongue. What! the opposition, who in 1798 and 1799, could raise an useless army to fight an enemy three thousand miles distant from us, alarmed at the existence of one raised for a known specified object—the attack of the adjoining provinces of the enemy? The gentleman from Massachusetts, who assisted by his vote to raise the army of twenty-five thousand, alarmed at the danger of our liberties from this very army!

I mean to speak of another subject, which I never think of but with the most awful considerations. The gentleman from Massachusetts, in imitation of some of his predecessors of 1799, has entertained us with Cabinet plots, Presidential plots, which are conjured up in the gentleman's own perturbed imagination. I wish, sir, that another plot of a much more serious kind—a plot that aims at the dismemberment of our Union—had only the same imaginary existence. But no man, who had paid any attention to the tone of certain prints, and to transactions in a particular quarter of the Union for several years past, can doubt the existence of such a plot. It was far, very far from my intention to charge the opposition with

such a design. No, he believed them generally incapable of it. He could not say as much for some who were unworthily associated with them in the quarter of the Union to which he referred. The gentleman cannot have forgotten his own sentiment, uttered even on the floor of this House, "peaceably if we can, forcibly if we must;" in and about the same time Henry's mission to Boston was undertaken. The flagitiousness of that embassy had been attempted to be concealed by directing the public attention to the price which the gentleman says was given for the disclosure. As if any price could change the atrociousness of the attempt on the part of Great Britain, or could extenuate in the slightest degree the offence of those citizens, who entertained and deliberated upon the infamous proposition! There was a most remarkable coincidence between some of the things which that man states, and certain events in the quarter alluded to. In the contingency of war with Great Britain, it will be recollected that the neutrality and eventual separation of that section of the Union was to be brought about. How, sir, has it happened, since the declaration of war, that British officers in Canada have asserted to American officers that this very neutrality would take place? That they have so asserted can be established beyond controversy. The project is not brought forward openly, with a direct avowal of the intention. No, the stock of good sense and patriotism in that portion of the country is too great to be undisguisedly encountered. It is assailed from the masked batteries of friendship to peace and commerce on the one side, and by the groundless imputation of opposite propensities on the other. The affections of the people are to be gradually undermined. The project is suggested or withdrawn; the diabolical parties, in this criminal tragedy, make their appearance or exit, as the audience to whom they address themselves are silent, applaud or hiss. I was astonished, sir, to have lately read a letter, or pretended letter, published in a prominent print in that quarter, written not in the fervor of party zeal, but cooly and deliberately, in which the writer affects to reason about a separation, and attempts to demonstrate its advantages to different sections of the Union, deploring the existence now of what he terms prejudices against it, but hoping for the arrival of the period when they shall be eradicated. But, sir, I will quit this unpleasant subject; I will turn from one, whom no sense of decency or propriety could restrain from soiling the carpet on which he treads, to gentlemen who have not forgotton what is due to themselves, the place in which we are assembled, nor to those by whom they are opposed. The gentleman from North Carolina, (Mr. PEARSON,) from Connecticut, (Mr. PITKIN,) and from New York, (Mr. BLEECKER.) have, with their usual decorum, contended that the war would not have been declared, but for the duplicity of France, in withholding an authentic instrument of repeal of the decrees of Berlin and Milan; that upon the exhibition of such an instrument the revocation of the Orders in Council took place; that this main cause of the war, but for which it would not have been declared, being removed, the Administration ought to seek for the restoration of peace; and that upon its sincerely doing so, terms compatible with the honor and interest of this country may be obtained. It is my purpose, said Mr. C. to examine, first, into the circumstances under which the war was declared; secondly, into the causes for continuing it; and lastly, into the means which have been taken, or ought to be taken to procure peace. But, sir, I really am so so exhausted that, little as I am in the habit of asking of the House an indulgence of this kind, I feel that I must trespass on their goodness.

[Here Mr. C. sat down. Mr. NEWTON moved that the Committee rise, report progress, and ask leave to sit again, which was done. On the next day Mr. CLAY proceeded.]

I am sensible, Mr. Chairman, that some part of the debate to which this bill has given rise, has been attended by circumstances much to be regretted, not usual in this House, and which it is to be hoped there will be no repetition. The gentleman from Boston had so absolved himself from every rule of decorum and propriety, had so outraged all decency, that I have found it impossible to suppress the feelings excited on the occasion. His colleague, whom I had the honor to follow, (Mr. WHEATON,) whatever else he might not have proved, in his very learned, ingenious, and original exposition of the powers of this Government—an exposition in which he has sought, where nobody before has looked, and nobody after him will examine, for a grant of our powers, the preamble to the Constitution—has clearly shown, to the satisfaction of all who heard him, that the power is conferred of defensive war. I claim the benefit of a similar principle, in behalf of my political friends, against the gentleman from Boston. I demand only the exercise of the right of repulsion. No one is more anxious than I am to preserve the dignity and the liberality of debate; no member more responsible for its abuse. And if, on this occasion, its just limits have been violated, let him, who has been the unprovoked cause, appropriate to himself exclusively the consequences.

I omitted yesterday, sir, when speaking of a very delicate and painful subject, to notice a powerful engine which the conspirators against the integrity of the Union employ to effect their nefarious purpose—I mean Southern influence. The true friend to his country, knowing that our Constitution was the work of compromise, in which interests apparently conflicting were attempted to be reconciled, aims to extinguish or allay prejudices. But this patriotic exertion does not suit the views of those who are urged on by diabolical ambition. They find it convenient to imagine the existence of certain improper influences, and to propagate, with their utmost industry, a belief of them. Hence, the idea of Southern preponderance—Virginia influence—the yoking of respectable yeomanry of the North, with the negro slaves, to the car of Southern nabobs.

If Virginia really cherished a reprehensible ambition, and aimed to monopolize the Chief Magistracy of the country, how was such a purpose to be accomplished? Virginia, alone, cannot elect a President, whose elevation depends upon a plurality of electoral votes and a consequent concurrence of many States. Would Vermont, disinterested Pennsylvania, the Carolinas, independent Georgia, Kentucky, Tennessee, Ohio, and Louisiana, all consent to become the tools of an inordinate ambition? But the present incumbent was designated to the office before his predecessor had retired. How? By public sentiment; public sentiment which grew out of his known virtues, his illustrious services, and his distinguished abilities. Would the gentleman crush this public sentiment; is he prepared to admit that he would arrest the progress of opinion?

The war was declared because Great Britain arrogated to herself the pretension of regulating foreign trade, under the delusive name of retaliatory Orders in Council—a pretension by which she undertook to proclaim to American enterprise, "Thus far shalt thou go, and no farther." Orders which she refused to revoke after the alleged cause of their enactment had ceased; because she persisted in the act of impressing American seamen; because she had instigated the Indians to commit hostilities against us; and because she refused indemnity for her past injuries upon our commerce. I throw out of the question other wrongs. The war in fact was announced, on our part, to meet the war which she was waging on her part. So undeniable were the causes of the war; so powerfully did they address themselves to the feelings of the whole American people, that when the bill was pending before this House, gentlemen in the opposition, although provoked to debate, would not, or could not, utter one syllable against it. It is true they wrapped themselves up in sullen silence, pretending that they did not choose to debate such a question in secret session. Whilst speaking of the proceedings on that occasion, I beg to be permitted to advert to another fact that transpired—an important fact, material for the nation to know, and which I have often regretted had not been spread upon our journals. My honorable colleague (Mr. McKee) moved, in Committee of the Whole, to comprehend France in the war; and when the question was taken upon the proposition, there appeared but ten votes in support of it, of whom seven belonged to this side of the House, and three only to the other!

It is said that we were inveigled into the war by the perfidy of France; and that had she furnished the document in time, which was first published in England, in May last, it would have been prevented. I will concede to gentlemen everything they ask about the injustice of France towards this country. I wish to God that our ability was equal to our disposition to make her feel the sense we entertain of that injustice. The manner of the publication of the paper in question, was undoubtedly extremely exceptionable. But I maintain that, had it made its appearance earlier, it would not have had the effect supposed; and the proof lies in the unequivocal declarations of the British Government. I will trouble you, sir, with going no further back than to the letters of the British Minister, addressed to the Secretary of State, just before the expiration of his diplomatic functions. It will be recollected by the Committee that he exhibited to this Government a despatch from Lord Castlereagh, in which the principle was distinctly avowed, that to produce the effect of the repeal of the Orders in Council, the French decrees must be absolutely and entirely revoked as to all the world, and not as to America alone. A copy of that despatch was demanded of him, and he very awkwardly evaded it. But, on the 10th of June, after the bill declaring war had actually passed this House, and was pending before the Senate, (and which, I have no doubt was known to him,) in a letter to Mr. Monroe, he says: "I have no hesitation, sir, in stating that 'Great Britain, as the case has hitherto stood, nev-'er did, nor ever could engage, without the great-'est injustice to herself and her allies, as well as 'to other neutral nations, to repeal her orders as 'affecting America alone, leaving them in force 'against other States, upon condition that France 'would except singly and specially America from 'the operation of her decrees." On the 14th of the same month, the bill still pending before the Senate, he repeats: "I will now say, that I feel 'entirely authorized to assure you, that if you 'can, at any time, produce a full and uncondition-'al repeal of the French decrees, as you have a 'right to demand it in your character of a neutral 'nation, and that it be disengaged from any ques-'tion concerning our maritime rights, we shall be 'ready to meet you with a revocation of the Or-'ders in Council. Previously to your producing 'such an instrument, which I am sorry to see you 'regard as unnecessary, you cannot expect of us 'to give up our Orders in Council." Thus, sir, you see that the British Government would not be content with a repeal of the French decrees as to us only. But the French paper in question was such a repeal. It could not, therefore, satisfy the British Government. It could not, therefore, have induced that Government, had it been earlier promulgated, to repeal the Orders in Council. It could not, therefore, have averted the war. The withholding of it did not occasion the war, and the promulgation of it would not have prevented the war. But gentlemen have contended that, in point of fact, it did produce a repeal of the Orders in Council. This, I deny. After it made its appearance in England, it was declared by one of the British Ministry, in Parliament, not to be satisfactory. And all the world knows, that the repeal of the Orders in Council resulted from the inquiry, reluctantly acceded to by the Ministry, into the effect upon their manufacturing establishments, of our non-importation law, or to the warlike attitude assumed by this Government, or to both. But it is said, that the Orders in Council are done away, no matter from what cause; and, that having been the sole motive for declaring the war, the relations of peace ought

to be restored. This brings me into an examination of the grounds for continuing the war.

I am far from acknowledging that had the Orders in Council been repealed, as they have been, before the war was declared, the declaration would have been prevented. In a body so numerous as this, from which the declaration emanated, it is impossible to say with any degree of certainty what would have been the effect of such a repeal. Each member must answer for himself. I have no hesitation then in saying, that I have always considered the impressment of American seamen as much the most serious aggression. But, sir, how have those orders at last been repealed? Great Britain, it is true, has intimated a willingness to suspend their practical operation, but she still arrogates to herself the right to revive them upon certain contingencies, of which she constitutes herself the sole judge. She waives the temporary use of the rod, but she suspends it *in terrorem* over our heads. Supposing it was conceded to gentlemen that such a repeal of the Orders in Council, as took place on the 23d of June last, exceptionable as it is, being known before the war, would have prevented the war, does it follow that it ought to induce us to lay down our arms without the redress of any other injury? Does it follow, in all cases, that that which would have prevented the war in the first instance should terminate the war? By no means. It requires a great struggle for a nation, prone to peace as this is, to burst through its habits and encounter the difficulties of war. Such a nation ought but seldom to go to war. When it does, it should be for clear and essential rights alone, and it should firmly resolve to extort, at all hazards, their recognition. The war of the Revolution is an example of a war began for one object and prosecuted for another. It was waged in its commencement against the right asserted by the parent country to tax the colonies. Then no one thought of absolute independence. The idea of independence was repelled. But the British Government would have relinquished the principle of taxation. The founders of our liberties saw, however, that there was no security short of independence, and they achieved our independence. When nations are engaged in war, those rights in controversy, which are acknowledged by the Treaty of Peace, are abandoned. And who is prepared to say that American seamen shall be surrendered the victims to the British principle of impressment? And, sir, what is this principle? She contends that she has a right to the services of her own subjects: that, in the exercise of this right, she may lawfully impress them, even although she finds them in our vessels, upon the high seas, without her jurisdiction. Now, I deny that she has any right, without her jurisdiction, to come on board our vessels on the high seas, for any other purpose but in pursuit of enemies, or their goods, or goods contraband of war. But she further contends that her subjects cannot renounce their allegiance to her and contract a new obligation to other Sovereigns. I do not mean to go into the general question of the right of expatriation. If, as is contended, all nations deny it, all nations at the same time admit and practise the right of naturalization. Great Britain herself does. Great Britain, in the very case of foreign seamen, imposes perhaps fewer restraints upon naturalization than any other nation. Then, if subjects cannot break their original allegiance, they may, according to universal usage, contract a new allegiance. What is the effect of this double obligation? Undoubtedly that the Sovereign having possession of the subject would have a right to the services of the subject. If he return within the jurisdiction of his primitive Sovereign, he may resume his right to his services, of which the subject by his own act could not divest himself. But his primitive Sovereign can have no right to go in quest of him, out of his own jurisdiction, into the jurisdiction of another Sovereign, or upon the high seas, where there exists either no jurisdiction, or it belongs to the nation owning the ship navigating them. But, sir, this discussion is altogether useless. It is not to the British principle, objectionable as it is, that we are alone to look; it is to her practice—no matter what guise she puts on. It is in vain to assert the inviolability of the obligation of allegiance. It is in vain to set up the plea of necessity, and to allege that she cannot exist without the impressment of her seamen. The truth is, she comes, by her press gangs, on board of our vessels, seizes our native seamen, as well as naturalized, and drags them into her service. It is the case, then, of the assertion of an erroneous principle, and a practice not conformable to the principle—a principle which, if it were theoretically right, must be forever practically wrong. We are told by gentlemen in the opposition that Government has not done all that was incumbent on it to do to avoid just cause of complaint on the part of Great Britain; that, in particular, the certificates of protection, authorized by the act of 1796, are fraudulently used. Sir, Government has done too much in granting those paper protections. I can never think of them without being shocked. They resemble the passes which the master grants to his negro slave: "Let the bearer, Mungo, pass and repass without molestation." What do they imply? That Great Britain has a right to take all who are not provided with them. From their very nature they must be liable to abuse on both sides. If Great Britain desires a mark by which she can know her own subjects, let her give them an ear mark. The colors that float from the mast-head should be the credentials of our seamen. There is no safety to us, and the gentlemen have shown it, but in the rule that all who sail under the flag (not being enemies) are protected by the flag. It is impossible that this country should ever abandon the gallant tars who have won for us such splendid trophies. Let me suppose that the Genius of Columbia should visit one of them in his oppressor's prison and attempt to reconcile him to his wretched condition. She would say to him, in the language of the gentlemen on the other side, "Great Britain intends you no harm;

'she did not mean to impress you, but one of her 'own subjects; having taken you by mistake, I 'will remonstrate, and try to prevail upon her by 'peaceable means to release you, but I cannot, 'my son, fight for you." If he did not consider this mockery, he would address her judgment, and say, "You owe me, my country, protection; I 'owe you in return obedience. I am no British 'subject, I am a native of old Massachusetts, 'where live my aged father, my wife, and my 'children. I have faithfully discharged my duty. 'Will you refuse to do yours?" Appealing to her passions, he would continue, "I lost this eye in 'fighting under Truxtun with the Insurgent; I 'got this scar before Tripoli; I broke this leg on 'board the Constitution when the Guerriere 'struck." If she remained still unmoved, he would break out, in the accents of mingled distress and despair,

"Hard, hard, is my fate! once I freedom enjoyed,
"Was as happy as happy could be!
"Oh! how hard is my fate, how galling these chains!"

I will not imagine the dreadful catastrophe to which he would be driven by an abandonment of him to his oppressor. It will not be, it cannot be, that hisc ountry will refuse him protection!

It is said, that Great Britain has been always willing to make a satisfactory arrangement of the subject of impressment; and that Mr. King had nearly concluded one prior to his departure from that country. Let us hear what that Minister says upon his return to America. In his letter dated at New York, in July, 1803, after giving an account of his attempt to form an arrangement for the protection of our seamen, and his interviews to this end with Lords Hawkesbury and St. Vincent; and stating that, when he had supposed the terms of a convention were agreed upon, a new pretension was set up, (the *mare clausum*,) he concludes: "I regret not to have 'been able to put this business on a satisfactory 'footing, knowing as I do its very great import-'ance to both parties; but I flatter myself that I 'have not misjudged the interests of our own 'country, in refusing to sanction a principle that 'might be productive of more extensive evils 'than those it was our aim to prevent." The sequel of his negotiation, on this affair, is more fully given in the recent conversation between Mr. Russell and Lord Castlereagh, communicated to Congress during its present session. Lord Castlereagh says to Mr. Russell:

"Indeed there has evidently been much misapprehension on this subject, and an erroneous belief entertained that an arrangement in regard to it has been nearer an accomplishment than the facts will warrant. Even our friends in Congress—I mean those who were opposed to going to war with us—have been so confident in this mistake, that they have ascribed the failure of such an arrangement solely to the misconduct of the American Government. This error probably originated with Mr. King; for, being much esteemed here, and always well received by the persons in power, he seems to have misconstrued their readiness to listen to his representations, and their warm professions of a disposition to remove the complaints of America in relation to impressment, into a supposed conviction on their part of the propriety of adopting the plan which he had proposed. But Lord St. Vincent, whom he might have thought he had brought over to his opinions, appears never for a moment to have ceased to regard all arrangement on the subject to be attended with formidable, if not insurmountable obstacles. This is obvious from a letter which his Lordship addressed to Sir William Scott at the time."

Here Lord Castlereagh read a letter, contained in the records before him, in which Lord St. Vincent states to Sir William Scott the zeal with which Mr. King had assailed him on the subject of impressment, confesses his own perplexity, and total incompetency to discover any practical project for the safe discontinuance of that practice, and asks for counsel and advice. "Thus you see," proceeded Lord Castlereagh, "that the confidence of Mr. King on this subject was entirely unfounded."

Thus, continued Mr. Clay, it is apparent, that, at no time, has the enemy been willing to place this subject on a satisfactory footing. I will speak hereafter of the overtures made by the Administration since the war.

The honorable gentleman from New York, (Mr. Bleecker,) in the very sensible speech with which he favored the Committee, made one observation that did not comport with his usual liberal and enlarged views. It was, that those who are most interested against the practice of impressment did not desire a continuance of the war on account of it, while those (the Southern and Western members) who had no interest in it, were zealous advocates of the American seaman. It was a provincial sentiment, unworthy of that gentleman. It was one which, in a change of condition, he would not express, because I know he could not feel it. Does not that gentleman feel for the unhappy victims of the tomahawk in the Western country, although his quarter of the Union may be exempted from similar barbarities? I am sure he does. If there be a description of rights which, more than any other, should unite all parties in all quarters of the Union, it is unquestionably the rights of the person. No matter what his vocation, whether he seeks subsistence amid the dangers of the deep, or draws it from the bowels of the earth, or from the humblest occupations of mechanic life, whenever the sacred rights of an American freeman are assailed, all hearts ought to unite and every arm should be braced to vindicate his cause.

The gentleman from Delaware sees in Canada no object worthy of conquest. According to him, it is a cold, sterile, and inhospitable region; and yet, such are the allurements which it offers, that the same gentleman apprehends that, if it be annexed to the United States, already too much weakened by an extension of territory, the people of New England will rush over the line and depopulate that section of the Union. That gentleman considers it honest to hold Canada as a kind of hostage; to regard it as a sort of bond, for the good behaviour of the enemy. But he will not enforce the bond. The actual conquest

of that country would, according to him, make no impression upon the enemy, and yet the very apprehension only of such a conquest would, at all times, have a powerful operation upon him. Other gentlemen consider the invasion of that country as wicked and unjustifiable. Its inhabitants are represented as unoffending, connected with those of the bordering States by a thousand tender ties, interchanging acts of kindness, and all the offices of good neighborhood. Canada innocent! Canada unoffending! Is it not in Canada that the tomahawk of the savage has been moulded into its deathlike form? From Canadian magazines, Malden, and others, that those supplies have been issued which nourish and sustain the Indian hostilities? Supplies which have enabled the savage hordes to butcher the garrison of Chicago, and to commit other horrible murders? Was it not by the joint co-operation of Canadians and Indians that a remote American fort, Michilimackinac, was fallen upon and reduced while the garrison was in ignorance of a state of war? But, sir, how soon have the opposition changed! When the Administration was striving, by the operation of peaceful measures, to bring Great Britain back to a sense of justice, they were for old-fashioned war. And now, that they have got old-fashioned war, their sensibilities are cruelly shocked, and all their sympathies are lavished upon the harmless inhabitants of the adjoining provinces. What does a state of war present? The united energies of one people arrayed against the combined energies of another; a conflict in which each party aims to inflict all the injury it can, by sea and land, upon the territories, property, and citizens of the other, subject only to the rules of mitigated war practised by civilized nations. The gentlemen would not touch the continental provinces of the enemy, nor I presume, for the same reason, her possessions in the West Indies. The same humane spirit would spare the seamen and soldiers of the enemy. The sacred person of His Majesty must not be attacked, for the learned gentlemen on the other side are quite familiar with the maxim, that the King can do no wrong. Indeed, sir, I know of no person on whom we may make war, upon the principles of the honorable gentlemen, except Mr. Stephen, the celebrated author of the Orders in Council, or the Board of Admiralty, who authorize and regulate the practice of impressment.

The disasters of the war admonish us, we are told, of the necessity of terminating the contest. If our achievements upon the land have been less splendid than those of our intrepid seamen, it is not because the American soldier is less brave. On the one element, organization, discipline, and a thorough knowledge of their duties, exist on the part of the officers and their men. On the other, almost everything is yet to be acquired. We have, however, the consolation that our country abounds with the richest materials, and that, in no instance, when engaged in an action, have our arms been tarnished. At Brownstown, and at Queenstown, the valor of veterans was displayed, and acts of the noblest heroism were performed. It is true, that the disgrace of Detroit remains to be wiped off. That is a subject on which I cannot trust my feelings, it is not fitting I should speak. But this much I will say, it was an event which no human foresight could have anticipated, and for which the Administration cannot be justly censured. It was the parent of all the misfortunes we have experienced on land. But for it the Indian war would have been in a great measure prevented or terminated, the ascendency on Lake Erie acquired, and the war pushed perhaps to Montreal. With the exception of that event, the war, even upon the land, had been attended by a series of the most brilliant exploits, which, whatever interest they may inspire on this side of the mountains, have given the greatest pleasure on the other. The expedition under the command of Governor Edwards and Colonel Russell, to Lake Peoria, on the Illinois, was completely successful. So was that of Captain Craig, who, it is said, ascended that river still higher. General Hopkins destroyed the Prophet's town. We have just received intelligence of the gallant enterprise of Colonel Campbell. In short, sir, the Indian towns have been swept from the mouth to the source of the Wabash, and a hostile country has been penetrated far beyond the most daring incursions of any campaign during the former Indian war. Never was more cool, deliberate bravery displayed than that by Newnan's party from Georgia. And the capture of the Detroit, and the destruction of the Caledonia, (whether placed to our maritime or land account,) for judgment, skill, and courage, on the part of Lieutenant Elliott, has never been surpassed.

It is alleged that the elections in England are in favor of the Ministry, and that those in this country are against the war. If in such a cause (saying nothing of the impurity of their elections) the people of that country have rallied around their Government, it affords a salutary lesson to the people here, who, at all hazards, ought to support theirs, struggling, as it is, to maintain our just rights. But the people here have not been false to themselves; a great majority approve the war, as is evinced by the recent re-election of the Chief Magistrate. Suppose it were even true that an entire section of the Union were opposed to the war, that section being a minority, is the will of the majority to be relinquished? In that section the real strength of the opposition had been greatly exaggerated. Vermont has, by two successive expressions of her opinion, approved the declaration of war. In New Hampshire, parties are so nearly equipoised, that, out of thirty or thirty-five thousand votes, those who approved, and are for supporting it, lost the election by only one thousand or one thousand five hundred votes. In Massachusetts alone have they obtained any considerable accession. If we come to New York, we shall find that other and local causes have influenced her elections.

What cause, Mr. Chairman, which existed for

declaring the war has been removed? We sought indemnity for the past and security for the future. The Orders in Council are suspended, not revoked; no compensation for spoliations; Indian hostilities, which were before secretly instigated, now openly encouraged; and the practice of impressment unremittingly persevered in and insisted upon. Yet Administration has given the strongest demonstrations of its love of peace. On the 29th June, less than ten days after the declaration of war, the Secretary of State writes to Mr. Russell, authorizing him to agree to an armistice, upon two conditions only; and what are they? That the Orders in Council should be repealed, and the practice of impressing American seamen cease, those already impressed being released. The proposition was for nothing more than a real truce; that the war should in fact cease on both sides. Again, on the 27th July, one month later, anticipating a possible objection to these terms, reasonable as they are, Mr. Monroe empowers Mr. Russell to stipulate in general terms for an armistice, having only an informal understanding on these points. In return, the enemy is offered a prohibition of the employment of his seamen in our service, thus removing entirely all pretext for the practice of impressment. The very proposition which the gentleman from Connecticut (Mr. Pitkin) contends ought to be made, has been made. How are these pacific advances met by the other party? Rejected as absolutely inadmissible; cavils are indulged about the inadequacy of Mr. Russell's powers, and the want of an act of Congress is intimated. And yet the constant usage of nations I believe is, where the legislation of one party is necessary to carry into effect a given stipulation, to leave it to the contracting party to provide the requisite laws. If he fails to do so, it is a breach of good faith, and a subject of subsequent remonstrance by the injured party. When Mr. Russell renews the overture, in what was intended as a more agreeable form to the British Government, Lord Castlereagh is not content with a simple rejection, but clothes it in the language of insult. Afterwards, in conversation with Mr. Russell, the moderation of our Government is misinterpreted and made the occasion of a sneer, that we are tired of the war. The proposition of Admiral Warren is submitted in a spirit not more pacific. He is instructed, he tells us, to propose that the Government of the United States shall instantly recall their letters of marque and reprisal against British ships, together with all orders and instructions for any acts of hostility whatever against the territories of His Majesty or the persons or property of his subjects. That small affair being settled, he is further authorized to arrange as to the revocation of the laws which interdict the commerce and ships of war of His Majesty from the harbors and waters of the United States. This messenger of peace comes with one qualified concession in his pocket, not made to the justice of our demands, and is fully empowered to receive our homage, the contrite retraction of all our measures adopted against his master! And in default, he does not fail to assure us, the Orders in Council are to be forthwith revived. Administration, still anxious to terminate the war, suppresses the indignation which such a proposal ought to have created, and in its answer concludes by informing Admiral Warren, "that if 'there be no objection to an accommodation of 'the difference relating to impressment, in the 'mode proposed, other than the suspension of the 'British claim to impressment during the armi-'stice, there can be none to proceeding, without 'the armistice, to an immediate discussion and ar-'rangement of an article on that subject." Thus it has left the door of negotiation unclosed, and it remains to be seen if the enemy will accept the invitation tendered to him. The honorable gentleman from North Carolina (Mr. Pearson) supposes, that if Congress would pass a law, prohibiting the employment of British seamen in our service, upon condition of a like prohibition on their part, and repeal the act of non-importation, peace would immediately follow. Sir, I have no doubt if such a law were passed, with all the requisite solemnities, and the repeal to take place, Lord Castlereagh would laugh at our simplicity. No, sir, Administration has erred in the steps which it has taken to restore peace, but its error has been not in doing too little but in betraying too great a solicitude for that event. An honorable peace is attainable only by an efficient war. My plan would be to call out the ample resources of the country, give them a judicious direction, prosecute the war with the utmost vigor, strike wherever we can reach the enemy, at sea or on land, and negotiate the terms of a peace at Quebec or Halifax. We are told that England is a proud and lofty nation that disdaining to wait for danger, meets it half-way. Haughty as she is, we once triumphed over her, and if we do not listen to the councils of timidity and despair we shall again prevail. In such a cause, with the aid of Providence, we must come out crowned with success; but if we fail, let us fail like men—lash ourselves to our gallant tars, and expire together in one common struggle, fighting for "seamen's rights and free trade."

Mr. McKee moved an amendment to the bill, going to place the appointment of the other field officers of each regiment, as well as the Colonels, in the President and Senate.—The motion was agreed to.

Saturday, January 9.

Mr. McKim presented the memorial of sundry owners of merchant mills and others, remonstrating against the retrospective operation given to the law extending Oliver Evans's patent for improvements in manufacturing flour and meal, and praying relief. The petition was referred to the Committee of Commerce and Manufactures.

Mr. Cheves, from the Committee of Ways and Means, reported a bill making certain partial appropriations for the year 1813, (additional appropriation for the expenses of Congress;) a bill making appropriations for the support of the Navy

of the United States for 1813; a bill to increase the salaries of the Secretaries of the War and Navy Department (to a level with that of the two other Secretaries;) which several bills were twice read and committed.

ADDITIONAL MILITARY FORCE.

The House, in Committee of Whole, resumed the consideration of the new army bill.

Mr. CLAY (Speaker) concluded the speech he yesterday commenced, as given entire in yesterday's debate.

Mr. QUINCY rose and said: Mr. Chairman, I do not rise to reply to the honorable the SPEAKER, who it seems has descended from the Chair, in order to do that which no other member of this House was either willing to undertake, or was deemed competent to perform. I should blush for myself and for the good and wise, the only portion of this community, of whose applause I am ambitious, could I deem a reply necessary. As a public man, I never expect, I never wish any other, or farther influence, than what results from distinct principles, and those principles emanating from known, or proved facts. He who refutes those principles, or disproves those facts, has my honor. He who misrepresents, or mistakes either one or the other, has my pity, or my contempt, according to the proportion of imbecility of head or corruption of heart which enters into the cause of such mistake, or misrepresentation. I cannot put myself upon the level of retort. That, in my observations, I did not pass the fair limits of parliamentary discussion is obvious from this, that the honorable the SPEAKER himself, then presiding in this House, neither stopped me himself nor permitted others to do it, when it was attempted.

So far as respects any personal reflections, which have fallen from the honorable SPEAKER, or may fall from other members, touching me, individually, he and they have their liberty. Such as my reputation is, before Billingsgate opens its floodgates, such it will remain, after the odious flood shall have passed by. For, Mr. Chairman, this is my consolation and support—

"Virtue may be assailed, but never hurt;
Surprised by unjust foes, but not enthralled;
Yea, even that, which mischief meant most harm,
Shall, in the happy trial, prove most glory.
But evil, on itself, shall back recoil,
And mix no more with goodness!—
* * * * * If this fail,
The pillared firmament is rottenness,
And earth's base built on stubble."

Mr. SHEFFEY said it was his wish to speak to the subject before the Committee rose, and, in order to afford the SPEAKER (to whose speech he meant to direct his observations) an opportunity of defending himself, which he could not do if he were in the Chair, he therefore moved that the Committee do rise, report progress, and have leave to sit again. He said, that as he was prevented from the necessary exertion by a violent head-ache and a general indisposition, he hoped the House would not object to indulging him.

Mr. WILLIAMS said that it gave him regret, that his duty on this point should be at variance with his inclination, which dictated to him to allow the indulgence the gentleman wished, in consideration of his indisposition; but the bill had been already so long, and so unnecessarily delayed, and had undergone such ample discussion, that he could not agree to the motion.

The question was put and negatived—60 to 41.

Mr. WILLIAMS said: I hope, Mr Chairman, that I shall not be misunderstood. I do not oppose the motion from a desire to restrain debate, but from a sense of duty, which dictates to me that a bill which has been under discussion for a fortnight, and ought to have been passed a week ago, should be vigorously prosecuted without any further loss of time. Mr. W. then adverted to the character of the debate, and hoped that for the honor of Congress, and of gentlemen themselves, future debates would assume a different complexion.

Mr. RANDOLPH said he would put it to the candor of his honorable friend from South Carolina and of the Committee, whether, after the House had adjourned over three successive days for the accommodation of gentlemen of one political description, whether, on the eve of Saturday, a day too so intemperately cold, that we from the South can hardly keep out of the fire, and with minds scarcely less torpid than our bodies, gentlemen can be expected to do justice to the subject and to themselves? He presumed the Committee would think it but reasonable to comply with the request of his colleague. He owned that he was never more surprised than at the opposition from his honorable friend over the way; it was so unlike his usual liberality to his opponents. He therefore moved that the Committee do rise, and report progress, with leave to sit again.

This called up Mr. WILLIAMS, who said, he opposed the motion from a sense of duty, and if he understood parliamentary practice, he had not acted illiberally. That, for the purpose of affording gentlemen an opportunity of giving a wide range to the debate, the House had gone into Committee of the Whole; but if at two o'clock, when the Committee was willing to hear what gentlemen had to say, it was proposed to adjourn, in order to continue the debate on Monday, he, for one, could not consent to it.

If the gentleman from Virginia was the only one to speak, he would with pleasure consent. But as others might also be disposed to speak, which might lengthen the debate unnecessarily, he could not; and if gentlemen neglected the opportunity afforded, when the Committee were ready to hear them, they should not speak in the House if his vote could prevent it.

Mr. RANDOLPH agreed that the debate was indeed unnecessarily protracted, that it embraced a scope much wider than the limits of the question, and that it had assumed a character of which he must be excused from speaking. He said, if the House had shown a disposition to discussion, not only in range, but in time, the observations of the honorable gentleman from South Carolina might apply. If on Monday, the gentleman had

said, take till Saturday to discuss this bill in the Committee, he, for one, would have thought it was enough; but considering how the debate had proceeded, he could not help saying, that it was somewhat hard to refuse the accommodation. Mr. R. observed, that as he had not used the term "illiberal," he therefore could not understand in what way the honorable gentleman could talk of repelling a charge of the kind, as if it had come from him. He would once more put it to the common sense of the House, whether, when it was considered that at nearly the same hour yesterday, a gentleman on the other side, had requested (he would not say that he was not entitled to it) and received a similar indulgence, it was correct to refuse it, in the present instance? or, whether it was fair or proper at such short notice to say, "speak now, or ever after hold your tongue?" Mr. R. said, he did not know how long his honorable *friend* (if he would permit him to call him so) had been invested with the *clerical character*, thus to publish the banns, and tell gentlemen "if they knew any just cause why this bill should not pass, to speak now, or ever after hold their tongues." He appealed to the House, whether, as it regarded his colleague and other gentlemen, it was not hard, (he would not say illiberal,) rigorous, and unfair? Mr. R. said he had long wished to see the manner of doing business in the House altered, and he hoped an alteration would take place, but it could not be done retrospectively, nor simultaneously with the evil. Their mode of proceeding was a great abuse and waste of the public time, and the public interest. He fain would see it otherwise; he fain would see that when any business was appointed, it would be done, and that the order of the day should not be a mere entry in the records; that a fixed time should be set for each particular business, something like the docket of a court; and at the end of the appointed time, the minority should acquiesce in taking the question. If business was arranged in some such way as this, half the time occupied by this bill would have been enough. He said, that in the manner as well as the matter of opposition to the request of his colleague, there was something which gave him equal surprise and concern. The gentleman who claimed the indulgence is, perhaps, of the smallest party in the House; but he has *rights;* and I would remark, said Mr. R., that when he speaks, it is not an idle waste of words. But, if the question was to be *forced* upon the House, he hoped there would be at least *bank notice*, with *three days of grace*—even a shorter time might suffice. He hoped still the indulgence would be conceded.

Mr. Williams, after again declaring his opposition grew out of what he believed to be a principle of duty, observed that he acknowledged himself overcome by the arguments of his honorable friend, and yielded the point. He should vote for the Committee to rise.

The question was then taken and carried.

The Speaker having resumed the Chair, Mr. Little moved that the Committee do not have leave to sit again.—Negatived.

Monday, January 11.

The Speaker laid before the House a letter from the Secretary of the Treasury, transmitting a statement of moneys disbursed from the Treasury for expenses of intercourse with the Barbary Powers, during the year 1812, with copies of Consular accounts for the years 1810 and 1811.—Referred to the Committee of Ways and Means.

ADDITIONAL MILITARY FORCE.

The House again resolved itself into a Committee of the Whole, on the bill for raising an additional military force of twenty thousand men for one year.

Mr. Sheffey said, he felt grateful for the opportunity which had been afforded him, to deliver his sentiments on the subject before the Committee. It was now about a year ago, when he had stated his reasons at length on the question of the war then meditated against Great Britain. Since that time, he had been generally a silent, though not an inattentive spectator. Conscious that there had fallen to his share a full portion of the frailty common to man, he felt disposed to distrust his own opinion. He had even hoped he might be mistaken, he had hoped that experience would prove the fallacy of his apprehensions; that the predictions of gentlemen, who differed from him in sentiment, would be realized; that the rights of the country would be secured by arms, to which the majority had resorted; and that the evils anticipated would vanish before us. On a review, however, of the reasons which had then influenced him, aided by the experience of the last year, he found his opinions, not only unshaken, but strongly confirmed.

The bill before us, said Mr. S., contemplates an addition of twenty thousand men to the army heretofore authorized to be raised. By the measures preparatory to the war, upwards of thirty-six thousand men were directed to be enlisted; with the addition now contemplated, our regular army will amount to more than fifty-six thousand men. The question which at once presents itself to every mind disposed to inquire, is, what is the object of this vast military force? We are here not left to conjecture; this inquiry has been anticipated, and we have been directly told by the chairman of the Military Committee, (Mr. Williams,) that it is intended for offensive purposes; that the conquest of Canada, Nova Scotia, and New Brunswick, is to be achieved. If I have any right to deliberate on this subject, and to express the opinion which my view of the real interests of the country dictates, I at once say, that I cannot give my assent to raise such a force for such a purpose. Was an augmentation of the army required to defend us against any enemy, either on the maritime or inland frontier, no member of this House would more readily accord the means of defence and protection than myself. In such event, I shall not inquire how we got into the situation, or by whose temerity the enemy has been brought on our borders. I shall consider *defence* as a matter of imperious necessity, forbidding all calculations as to means and conse-

quences. But, as it is admitted by all, that the force already authorized is more than sufficient for every defensive purpose; as it is expressly avowed that it is required for offensive operations in the territories of the enemy, the question assumes a different shape; it is stripped of the overruling influence which attends necessity; it becomes a mere question of expediency, controlled by the various considerations which reason and policy may dictate. So far as my conduct is concerned, before I can consent to the prosecution of the war, in the manner contemplated, I must be convinced that the objects in controversy are not only just, but of sufficient importance in their practical effect on the community to justify such an experiment, and not attainable in any other way; that there is a reasonable probability that such a war will secure to us those objects; and that we are not endangering the greater good, to obtain an exemption from the lesser evil; hazarding certain great rights, to secure others of far inferior importance.

Before I enter into the discussion connected with the merits of the question, permit me to notice a remark, of late, often repeated in this House by gentlemen of the majority. I allude to the high claim which is set up over the minds of the community. It is said that, war having been declared, all considerations as to its policy or justice are out of the question; and it is required of us, as an imperious duty, to unite in the measures which may be proposed by them for its prosecution, and we are promised a speedy, honorable, and successful issue. Do gentlemen require of us to act against our convictions? Do they ask that we should follow, with a reluctant step, in the career which we believe will end in ruin? Or do they suppose that, while on the simplest subject, an honest diversity of sentiment exists, on this complicated and all-important one, our minds are cast into the same mould? Uniformity of action is only desirable where there is uniformity of sentiment; and that, on most subjects, will only exist where the mind is enchained by the fear which despotic power inspires.

But it has been said, that the obedience to the will of the majority is the first principle of representative government, and enjoins what gentlemen require. Yes, sir, obedience to all constitutional acts, is a high and commanding duty on the part of the minority and the people; and all factious opposition is highly criminal. But this does not prevent any one in this House, or in the nation, to use every proper effort to arrest the progress of evil; or, to effect a repeal of measures injurious to the public interest. And how can this be done, unless there is full liberty to think, and to speak, and act, as our convictions shall dictate? If this be denied, then there is an end to free government. A majority never can be corrected. They are irresponsible and despotic; they may prepare the yoke when they please, we must submit to it in silence.

I regret that I cannot, consistently with my sense of duty, yield the unlimited confidence in their measures, which the majority demand. My reason must be convinced, before my confidence can be bestowed. There are, indeed, cases where superior virtue and wisdom, tested by long and successful experience, has a strong claim to our confidence. But this, in my opinion, is not the case here. A retrospect of the transactions of the last eight years, will show how much gentlemen have been mistaken and disappointed in their views of our foreign policy; particularly that part which is connected with the difficulties in which we now find ourselves, and which may be said to be the ground-work of them. In making this declaration, and in leading your attention to the facts, it is not my object to give offence to any one. I believe gentlemen are actuated by the purest motives, and sincerely disposed to render essential service to the country. I speak of facts only, intending to show a mistaken, not a corrupt or vicious course.

Our difficulties with Great Britain commenced soon after the treaty of 1794 (generally called "Jay's Treaty") expired by its own limitation, in consequence of the peace of Amiens. About that time the British Government offered to our Minister, then resident in London, a renewal of the treaty. That instrument had been negotiated under the auspices, and received the sanction of WASHINGTON, the father and benefactor of his country. It is true, that its stipulations did not embrace every subject which we could have wished, and those that were embraced, were not so advantageously settled as might have been done, had we had it in our power to have dictated the terms. But it is equally true, that experience refuted all the speculations, and dissipated all the apprehensions, with which the country was filled at the time of its ratification. During its operation we enjoyed a degree of prosperity unexampled in this or any other country. Our leading interests flourished in a manner unknown before, and unexperienced since; our agriculture was encouraged by high prices and ready markets for its products; the freedom of navigation, and the enterprise of our people, carried our commerce to every part of the globe. I ask this House and this nation, whether their hopes or wishes extend beyond what we then enjoyed? If they do, they hope for that which is opposed by all human probability, and they wish for that which has scarcely ever fallen to the lot of man. We were, indeed, not exempt from every evil, or gratified by every possible good. What nation or individual ever reached that state? But the great essentials of national prosperity were in our possession. Our Government, however, was not satisfied. The overture of the British Government was rejected, under the impression, no doubt, that better terms could be obtained; that the situation of Great Britain would compel her to yield to our demands, however extensive.

Soon after the rejection of this overture, Great Britain assumed the right to interdict the trade in the products of her enemies' colonies, when taken directly from those colonies to the mother country, conformably, as she asserted, to the principles adopted in the war of 1756. In consequence of which, our Government, with a view to coerce

her into a relinquishment of her pretensions, passed the partial non-importation act of 1806. It had not the intended and promised effect. They again resorted to negotiation, and repealed the restriction. About this time, a change happened in the British cabinet, highly auspicious to our interests. "Our friends," yes, our old friends, who had espoused our cause in time of peril and danger, who had defended our rights during all the vicissitudes of the Revolution, and who had manifested their friendship for us on every occasion since, got into power. With these men, a negotiation was opened by our Government through the instrumentality of our Ministers, Messrs. Monroe and Pinkney, which resulted in a treaty, as our own Ministers declared, "both honorable and advantageous to the United States," and the best that could be obtained. It was not only "advantageous" as it respected our commerce, but the informal understanding which accompanied it, would have secured us against the abuses of impressments; so our own Ministers believed. But it was rejected without being even submitted to the Senate. The reasons have never been disclosed to the nation. I presume, however, that it was confidently expected that such was the situation of Great Britain, that any terms that we should dictate would be granted.

The terms which our Government demanded not being accorded on the part of Great Britain, a new policy was resorted to by our Government, which was held up to the nation as a sovereign remedy for all our difficulties, which were daily increasing. An embargo, not limited in its duration, was laid on our shipping. The prominent virtues of this remedy were supposed to be—that it would coerce the belligerents, but particularly Great Britain, into an abandonment of their injurious measures; and, above all, that it would save us from being involved in war. The experience of one year, however, manifested how little its supporters understood of the means and resources of other nations, and of the character of our own. The privations to which a great portion of our people were subjected in consequence of this measure, coerced our Government into a repeal, long before any sensible impression could be made on Great Britain. The embargo was abandoned, because the people would bear it no longer, and the non-intercourse system was adopted in its stead. This also had its day—but this, like the embargo, experience condemned as injurious and ruinous policy; and the public voice called for its repeal. It was succeeded by the act of the first of May, 1810, the source of our present difficulties.

When this act passed this House, we were told that its provisions held out the strongest inducement to each of the great belligerents, to precede its rival in the abrogation of the injurious edicts affecting the commerce of this country, and that whoever might lead the other would unquestionably follow. It required very little sagacity to penetrate this subject. It was easily foreseen that this measure would be employed to detach us from our neutral situation, which it was so much our interest, and had been so much our desire, to maintain. This apprehension, experience has realized. We now feel the consequences in their fullest extent.

After we had become the dupes of French perfidy, by putting in force the non-importation system against Great Britain, under the belief, that on the first day of November, 1810, the decrees of Berlin and Milan were repealed, the falsehood of which has since been placed beyond all rational doubt, it happened as had been anticipated, that finding the inefficiency of the restrictive system against Great Britain, the nation was called on, about the commencement of last session, to assume a threatening attitude towards that Power. We were then told by the supporters of our foreign policy, that war would not be necessary. That justice was withheld from us by the Government of that nation under the impression that force would not be used to maintain our rights, which impression it was only necessary to remove by manifesting a determined spirit in making warlike preparations. This prevailed with many, and the army was voted. But it did not intimidate our enemy. We were then told, that it was necessary to declare war, as affording conclusive evidence of our sincerity; but that it would not be necessary to continue it beyond a few weeks, when our objects would be attained by a just and honorable peace. We were also told, at the same time, that in six weeks after the declaration of war, we should be in possession of a great portion of the enemy's colonies. All these promises have been disappointed. We have effected nothing by commercial restrictions, nothing by arms, and nothing by negotiation; and, if there is not a change in our policy, the war promises to be perpetual.

Sir, I have led your attention to this retrospect, because it affords an apology for my declining to place implicit confidence either in the means or in the promises of gentlemen who call upon us for our confidence. This experience of eight years satisfies my mind, that they are totally mistaken in their views, touching our foreign relations. It has been the opposite of that which I conceive to be the true policy. In the present state of the world, the preservation of our neutrality ought to have been the first object, but by the measures pursued, it has been made subordinate, not to practical interest which ought to have been secondary, but even to notions of abstract right, and while their avowed object was to save us from war, were calculated, step by step, to draw us into it.

Having detained you thus long, with these preliminary topics, permit me to draw your attention to those that grow directly out of the bill before the Committee. I have said, that the causes ought not only to be just, but important in their effect on the community, to justify a resort to arms. I will say more. A nation situated as this is, who has so much to lose, and so little to gain, ought not to relinquish its peaceful state but in the last extremity. Are the causes which existed at the time when this war was declared, of that charac-

ter which, according to this idea, justified its commencement; and are those now remaining sufficient to sanction its continuance?

I exclude all consideration of the abstract justice of our complaints against Great Britain. Upon that subject I never had but one opinion. I always did believe that her conduct towards this country was not only unjust as it affected us, but impolitic as it affected herself.

Before the war commenced last Summer, the Orders in Council formed the principal ground of complaint against Great Britain. I venture to assert, without the dread of contradiction, that if the repeal which has since taken place had happened and been known here before we resorted to the sword, we should have remained at peace. I make this declaration on (what I deem) the most unquestionable authority. The proof is on record. In 1808, Mr. Jefferson, then President of the United States, through our Minister in London, proposed to the British Government to relinquish the embargo as to her, on condition the Orders in Council were revoked. In 1809, Mr. Madison entered into the arrangement with Mr. Erskine, which made the same condition the sole foundation for restoring amicable intercourse between the two nations. In 1810 and 1811, the discussions between our Government and that of Great Britain were confined almost exclusively to that subject. And in 1812, preceding the declaration of war, the Secretary of State informed the British Envoy, that if the Orders in Council were revoked the non-importation act would cease immediately. During the whole of this period, our complaints were directed to the Orders in Council, and our measures, (I speak of our restrictive system,) so far as they affected Great Britain, were adopted with a single eye to their repeal. Until the war was declared, I did not suppose that it would be waged for any other object.

The Orders in Council, though a violation of our maritime rights in point of principle, were practically of very little injury to our commerce at the commencement of the war in which we are now engaged. The reasons are obvious. Our commerce to France, Holland, Italy, &c., never was of great importance. And the effect of the French "municipal regulations" had caused it to dwindle into insignificance. The exclusions, restrictions, impositions, and confiscations, so permanent in the commercial code (and practice) of Napoleon, had inspired our merchants with a due portion of caution, how they ventured their property into the power of a Government actuated by no liberal principle, and bound by no faith. From this state of things, it was not difficult to conjecture that the period was not distant when Great Britain must become convinced of the inefficiency of the Orders in Council, so far as respected their retaliatory object on her enemy. How could France be distressed by the British interdiction of her foreign commerce, when France herself was hostile to that commerce—when she adopted every measure to narrow, to shackle, and ultimately to exclude it? We had even strong evidence that British statesmen began to waver on the subject. The vote in the House of Commons, during the last Winter, showed a minority unusually strong, and indicated most clearly that before long the Orders in Council were doomed to perish. But, with this information before our eyes, we hurried on to war without waiting for the event or even without waiting for preparation.

The Orders in Council have since been repealed. The manner has indeed been objected to by the honorable Speaker, (Mr. CLAY,) because the right to secure them in certain events is reserved. But surely this cannot be and has not been considered by our Government a serious objection; for without such reservation the power to revive them existed to every possible extent. The only question is, do they cease to violate our neutral commerce? This is not doubted. The remaining obstacle, therefore, to a good understanding between the two nations, and the sole ostensible cause for persevering in the war, is the subject of impressments.

This is, indeed, a difficult and unquestionably an interesting subject. Not that I place entire confidence in the sympathetic descriptions of the magnitude of the evil, which we have so often heard and daily heard in this House. I am inclined to believe fancy has colored the picture too highly. There is one reason, above all others, which leads me to that conclusion. It is this: In that section of the United States of which two-thirds of our seamen are natives, there is a strong overwhelming current of opinion against this war. Can it be possible that the country where dwells the kindred of those who are said to be incarcerated in great numbers in the "floating dungeons" of Great Britain is not only indifferent about the fate of its children, but opposes, as ruinous, the war waged for their protection? It is certainly a curious spectacle to see the defenders of seamen's rights come from those portions of the Union that have little commerce, and few if any seamen. I do not mean to insinuate that those gentlemen do wrong in espousing the cause of the oppressed, to whatever quarter they may belong; but I state the fact to show that their sympathies may possibly have magnified the evil—and to infer from it, that the opposition of those most immediately interested is to be ascribed, not to their insensibility, but to their apprehensions that this war, instead of securing seamen's rights, will banish their seamen into foreign service.

The controversy between this country and Great Britain seems to have been brought to a single point. She claims the service of her seafaring subjects in time of danger. Our Government admits this right. To give effect to the right thus claimed and admitted, she insists that her officers may go on board our merchant ships on the high seas, or in her ports—search for and take her subjects. This our Government deny, and claim the immunity of the flag so far as persons are concerned; because, under the pretext of taking British subjects, American citizens are frequently taken. It does, indeed, not distinctly

appear in the late communication from our Executive to the British Government, that they mean by the terms American citizens, whether it includes naturalized persons as well as natives. With respect to those of the first description, I confess I feel no great interest for their immunity abroad or on the high seas; I am one of those who think that we act sufficiently liberal when we offer them an asylum from the oppression or poverty of their own country, receive them into our bosom, and extend to them all the advantages belonging to us; and so long as they remain within our territorial limits, they shall, with my consent, have the full benefit of the protection which our laws afford to all. But I cannot consent that the native blood of this country shall be profusely wasted to protect aliens born, wherever they may ramble. We all profess a deep solicitude for the interest of seamen. To describe their distresses and to eulogize their valor and patriotism, is one of the topics of the day. And yet we are contending for principles which, if successful, will bring a host of foreigners in competition with them to elbow them out of employment. But it is said that Great Britain does the same—that by the act passed during the reign of George II., foreign seamen are naturalized who have been in the King's service for two years, and that she has no right to object if we imitate her conduct. It is true, she has adopted such a regulation. But I have never heard of any instance where she has contended that such a person is absolved from his natural allegiance, if he comes within the power of his original sovereign. I have understood that act to mean that such persons should become entitled to certain rights—not absolved from any duties towards others, should they leave the country. That they should have the right to hold lands—be admitted under the regulations of the navigation act as British seamen on board merchant ships, and participate in the pension and hospital provisions. Should I be mistaken, however, I am not inclined to relinquish my opinion, merely because the practice of Great Britain is opposed to it.

Sir, I do not find fault with the Administration for insisting on the immunity of our flag, as it respects the seamen. I approve of the principle. It is of that character which at a proper time and with proper means is (in effect and to all general purposes) attainable, if we do not by ill-timed and imprudent efforts frustrate it. It is supposed that the present is the auspicious moment to insist on our rights. That pressed as Great Britain is by the most powerful enemy the world ever saw, who threatens her very existence; the impression which we can make upon her by our arms, will be greater than at any other time. This very circumstance renders the attainment of our object more difficult, and makes our case hopeless. Her danger forbids a compliance with our demands. In her present struggle, her naval power constitutes her security. Without that she would long since have become a French province. This every man in England knows and feels. It is well known that four-fifths of her seamen on board her navy render not voluntary but compulsory service. Should this principle be established, which in all cases would afford a secure asylum in our merchant ships, it is dreaded by British statesmen and the British people, that their seamen, allured by higher wages and easier employment, would abandon their service, and thus render their country accessible to their enemy. Hence you see every Ministry, of whatever political party or distinction, tremblingly alive to this subject. They dare not touch it in the present state of that country. No man could maintain his power a moment after having hazarded the public safety by making an experiment, the effect of which could not be foreseen, and may be productive of such disastrous consequences. This spirit is manifest in all the communications from the British Cabinet to our Government. We have seen the sentiments of Lord Grenville, Lord Auckland, Lord Holland, and Mr. Fox, men whose prepossessions were in our favor, and who on almost every other subject supported our pretensions. On this subject they resisted our demands, because they dared not grant them. While I conceive the claims of our Government as not going too far, I doubt their prudence as to the time and manner of giving them effect. I fear that instead of realizing our wishes the measures pursued are calculated to deprive us of every hope hereafter. In the present unexampled state of the world, according to my limited conception of our true interest, we ought to have seriously avoided all hostile collision with foreign Powers. We ought to have cherished the resources within our grasp. Nothing is more obvious than the remark made by the honorable gentleman from New York, (Mr. Bleecker,) that, with all the injuries which we received from the belligerents, our commerce was more extensive and more profitable in the aggregate than if Europe had been at peace. We might have obtained (and we ought not to have rejected) such temporary arrangements with England (with whom our commerce was chiefly carried on,) which, though they did not embrace all our interests, would have secured those of first importance and kept us at peace. The benefits of such a policy are to my mind self-evident. Should Europe be restored to tranquillity and assume something like its former appearance, (and I do not believe the present state of things durable,) we should have been able to have effected every valuable object, because such a change will probably bring with it a respect for the rights of nations, which have now no existence but in name. And should an imposing attitude have been wanting to give effect to our claims, we should have exhibited an unbroken spirit and unexhausted resources.

An honorable member from Tennessee, (Mr. Grundy,) the other day, read some extracts from the instructions transmitted to our Minister in London, in 1792. His object was to show the deep interest which the great man who then presided over this nation felt on the subject of impressments. I sincerely wish that while gentlemen resort to his opinions to support theirs, they

would consent to imitate his conduct. Nothing can be more strikingly different than his policy and that which is now pursued.

In 1793 the subject of impressments did not form the only complaint against Great Britain. The Treaty of Peace remained unexecuted on her part. To that was added the great injury which our commerce sustained by the extensive captures made by her cruisers during that year. The interest which was felt for the success of the French Revolution, against which Great Britain had arrayed herself, tended to excite the nation, even beyond the measure of its wrongs, and ripen it for war. But the wisdom of WASHINGTON saved us from being drawn into the vortex, which has since devoured all who approached it. His genius considered the true interests of his country to consist in the preservation of its peace; and he had firmness enough to preserve it, though opposed by the strong feelings of the people. Notwithstanding the accumulated wrongs which we had received, he sent a messenger of peace, and ultimately gave his assent to a treaty in which there was not one stipulation even to restrain the abuses of impressments, which the year before he had declared could not be longer tolerated. Why was this done by him, who, to say the least, had as much affection for his country's rights, as the politicians of the present day—whom fear never influenced—and who could safely calculate on the support of the people, should he resort to arms? The answer is obvious. Peace upon almost any terms was better than a hopeless, endless contest. What a contrast does his example present to the conduct of those who now direct the destinies of this nation, and who, while they reject his policy, resort to his opinions to support their own?

Upon the subject of foreign war, and the objects connected with it, the opinions of gentlemen of the majority have certainly undergone a strange revolution since they came into power. Little more than twelve years ago, they deprecated foreign war as inconsistent with the spirit of our institutions, and the genius of our Government. Nothing short of self-defence, when attacked in our own country, was considered as a justification for abandoning our peaceful pursuits, and mingling in hostility with European Powers. Every other object was deemed subordinate to the preservation of peace, because with it was connected every benefit which it had pleased Providence to bestow upon us, and which our detached situation rendered secure. We now hear those very gentlemen talk of Rome and Greece in their proudest days, when they inspired terror into the inhabitants of distant climes and carried their arms to every quarter of the globe; and their example is held up for our imitation. The almost boundless extent of our territory is become too limited, and we hear of conquests in the North and South, as essential to our security and happiness. In taking a retrospect, and contrasting former opinions with present conduct, a person would almost be inclined to distrust his observation, was there not left on record monuments with sentiments of former times entertained by gentlemen in the days of humility, when they were struggling against power. Permit me to call your attention to a resolution of the Virginia Assembly, adopted in 1798, said to be draughted by Mr. Madison, now President of the United States, upon this subject. It was then considered the standard of Republican opinion, by all who professed to be of that party. It in substance declares, that though the General Assembly view with indignation, the violations of our commerce, the impressment of our seamen, and other wrongs committed by foreign nations, yet detached as the United States are from European concerns, they should deprecate a war waged for any other object except self-defence, in cases of actual invasion. This resolution had an eye to our relations with France, from whom we had then received every injury and indignity she could inflict, and with whom we were in a state of partial hostility; but it explicitly declares, that we ought to engage in offensive war, for no object whatever. Let this sentiment be compared with the conduct of the same men now they are in power.

The project to conquer the British provinces on our Northern frontier, the object contemplated by the bill before us, presents these subjects for our inquiry:

1. Is it attainable within any reasonable time?
2. Will it, if effected, secure to us our maritime rights violated by Great Britain?
3. If not, is it an indemnity for being deprived of our rights on the ocean, and the loss of our people and our money in acquiring it? I beg leave here to observe, that I do not distinctly understand the real object of the Administration in relation to this subject. In this House we have sometimes been told, that Canada is to be restored to the British Government at the close of the war, as an inducement to her to relinquish her maritime pretensions injurious to our commerce and navigation—at other times that it is to be retained at all events to prevent collision in future, and to secure us from the effect of British influence with the savage tribes. From the conduct of our military commanders, who have approached the Canadian lines, I should infer, that the eventual restoration of the country (should it be taken) is not contemplated. If I am incorrect, nothing can be more unjust and cruel towards the innocent inhabitants, than to invite them to bear arms against their Government, as has been done, and ultimately surrender them to its vengeance. These invitations, I presume, have the sanction of the Administration, because we have not heard, in any instance, that they have either disavowed the act, or censured the officers concerned for their conduct. If I am correct in my conclusion, then, this is not a war for the rights of commerce and seamen, but, in fact, a war for the conquest of Canada.

Sir, I am one of those who doubt our capacity to obtain the conquest of the British provinces. I believe that the opinion, that we are a very powerful nation abroad, is a fanciful delusion. To be powerful abroad, requires a Government o[c]

sufficient energy, not only to bring into action all the physical and pecuniary resources of the country, but to command them promptly. The very nature of our Government, where everything depends immediately upon the people, forbids the idea that you can effect one or the other. The inconveniences and privations to which they must be subjected, are sufficient causes with the great body of the community, who do not perceive very distinctly how they are to be benefited by an offensive war, to turn their faces against it. Their Representatives, knowing their feelings, dare not press them with a heavy hand, which at once destroys everything like energy. Besides, the want of promptitude, the characteristic defect of such a Government, whose powers are divided into many hands, prevents the resources even within their reach to be obtained and applied in time to insure success. The consequence of all this is—imbecility in obtaining, and want of celerity in applying the necessary means. This may be considered as a very great evil, particularly to those who have presented to us the example of Rome in her proudest days, when she was mistress of the world, for our imitation. Sir, I rejoice that such is the state of my country. It is the legitimate offspring of our free institutions. The people are strong and the Government is weak; whenever this state of things shall be reversed, then shall we be able to inspire terror into other nations. But until that period shall arrive, we shall exhibit weakness and slowness of action, as to all offensive and external purposes.

I conceive that every community when they consent to any form of Government, (if, indeed, their consent is asked,) decide on the alternative—whether they prefer to be strong in their liberty and happiness at home and feeble abroad; or whether they are willing to relinquish their domestic rights and blessings, for the empty shadow of military glory, in which they have no concern, but to furnish the means. As they decide, so shall be their destiny. They must select one or the other—they cannot have both. To suppose, as is the fashion of the day, that with the enjoyment of all the great blessings of a free Government, there can be united the energy of despotic power, is supposing a union of opposites which never did, nor ever will happen. Let me be understood as confining these remarks entirely to foreign offensive military operations. For the purposes of defence at home, some of the great causes of our weakness, for foreign purposes, constitute the means of strength and security. Our scattered population, over an immense territory, is a cause of weakness for external operations; but it presents to an invader obstacles which no power can overcome. Besides, every man feels, what in causes of offensive war he cannot see—the great interest he has in the contest, and the indispensable necessity of bringing into the service of his country the last cent of his money, and the last drop of his blood.

The happy state of our people, and the general prosperity which hitherto has prevailed in every department of the community, forbids any rational expectation being entertained, that a large regular army, the only kind of force essentially useful in offensive operations, can be obtained in any reasonable time. Upon this subject I offered my sentiments during the last session, when the army bill was before us. It was indignantly replied, that it was degrading the country to suppose that it did not afford the materials for such a purpose. That patriotism would prompt numbers to enter the ranks from the sole consideration to avenge their country's wrongs. How much have these speculations, like the other visions of the times, been disappointed? We are now told by the President, that "such is the happy condition of our country, arising from the 'facility of subsistence and the high wages for 'every species of occupation, that, notwithstanding the augmented inducements provided at the 'last session, a partial success only has attended 'the recruiting service." This paragraph speaks a volume. A happy people, and not yet content with their happiness, they must be led into the miseries of war! The true reason why the recruiting service has failed is here unfolded, but the remedy proposed is totally unappropriate. If the happiness of the people is the cause of the failure, then their misery can alone insure success. That is the true secret. Until you make a sufficient portion of the people miserable by depriving them of their ordinary, and to them more desirable means of subsistence, your army will be composed, principally, of undutiful sons, refractory apprentices, the idle, profligate, and thoughtless, collected in the purlieus of tipplinghouses, and in the streets of your cities and towns, the number of which is at present happily circumscribed. There indeed may be some exceptions, but they necessarily are few. To talk of the patriotism of such men is prostituting the term. In our country the regular armies will be composed of worse materials than in any other. In the European communities the honest and industrious are often thrown out of employment by the pressure of the times, and compelled to seek subsistence in a military life, but here, where labor is so much wanted, no man is driven by necessity into the ranks of the army. These circumstances render it extremely difficult to obtain a proper force of any magnitude; and when it is moreover considered, how many inconveniences new raised levies must encounter in a strange climate and enemy's country, it is very questionable whether we shall, with all our boasted superiority, be able to render the conquest of the British provinces absolutely certain.

Should this reasoning, however, be incorrect, and should our military character abroad be greater than the character of our people and the nature of our Government warrant us to believe, what prospect is there that the conquest of British America will insure us our rights on the ocean—the ostensible objects of this war? Will it affect the interest of Great Britain so materially as to induce her to surrender what she deems her maritime rights of the first importance, to obtain a restoration of her colonies? To a com-

mercial nation colonies are certainly important, inasmuch as they furnish a certain market for the production of the industry of the mother country, and supply it with their products, always securing to that nation a commerce which no other nation can control. But the colonial system has its limits, which it would be imprudent to disregard; and I doubt very much whether Great Britain has not already overleaped them. Her immense acquisitions during the present war in every quarter of the world, though they have increased her commercial means, have also multiplied the points of defence, and rendered her less secure at home. In any point of view in which the subject is presented to my mind, I cannot see any great injury she would sustain by the loss of her provinces bordering on our Northern frontier. Her commerce to and from them is inconsiderable. Their population is not able to protect itself, but the mother country expends more than a million sterling annually (money collected from the pockets of the people of England) for their protection. Their loss would relieve Great Britain from a considerable burden, while the actual injury is scarcely perceptible. I, therefore, do not believe that after we shall have acquired it at the expense of many millions of money, and many thousands of lives, we shall be able to obtain our rights on the ocean by restoring the conquered country to our enemy.

To retain the British provinces as an indemnity for our losses, is an event which I cannot wish, because I can see no possible benefit resulting from it. Have we not already territory enough? Is it desirable to incorporate with us a people composed of heterogeneous materials, who are not only unaccustomed to our institutions, but many of whom entertain an unconquerable hatred for them? I believe it would have been better had we never acquired any foreign territory at all. If we had been contented with the limits embraced by the old thirteen United States, the prospects of remaining an united people, and preserving our free institutions, would, in my conception, be much more flattering. I am, therefore, opposed to new acquisitions. But it is repeatedly urged that the possession of Canada is necessary to secure us from the hostilities of the savage tribes on our Northwestern borders; was this the fact, I might yield my assent to prosecute the war to attain that object. But experience has shown that we can have peace with them, though Canada is in the possession of a foreign Power. For seventeen years after the Treaty of Greenville we were entirely exempt from Indian hostilities, and not until we waged war ourselves, did they become troublesome upon our frontiers.

Permit me now, Mr. Chairman, to draw your attention to the pecuniary part of this subject, the expense that will be incurred, and the ways and means to meet it, should the whole force, authorized by the laws of last session, and contemplated by this bill, be brought into actual service. In estimating the expense, I shall discard the estimates which are usually laid before us, and resort to experience. For never was there a wider difference between speculation and fact, than there is between our estimates and expenditures. From the report of the Secretary of the Treasury it appears that there was expended between the 30th of September, 1811, and 1st of October, 1812, on account of the army, militia, volunteers, fortifications, arms, and arsenals, the sum of seven millions seven hundred and seventy thousand dollars; there is no statement to show what sum was applied to each object thus enumerated, but I presume I may safely assert, that at least seven millions were paid on account of the army, militia, and volunteers. We have no statement to show what are the number of men enlisted in the regular service, and of the militia and volunteers employed. Indeed, so far as it respects enlistments, the information is avowedly withheld as a secret, which the people must not know, and which we cannot obtain in any official form. But that very circumstance proves incontestably that there is nothing to boast of; that there has been a great failure in the recruiting service; I must, therefore, make the estimate as to the number of troops from conjecture, more than from actual detail; leaving it to the gentlemen who are in the secret to contradict my statement, if the fact will warrant a more favorable result. Our Military Establishment, previous to the last session, amounted to less than five thousand men in actual service. The expense of maintaining this force I have estimated at five hundred dollars per man, because very few of them were, during the period the expense was incurred, in any other but the ordinary peace service, which never cost us more. The amount expended for their support therefore, would be two millions five hundred thousand dollars, leaving the sum of four millions five hundred thousand dollars to cover the expense of every other species of force. When it is recollected how late in the season the recruiting service commenced, I presume I may safely venture to assert (and I challenge contradiction) that previous to the first day of October last, there were not more than fifteen thousand men, embracing regulars, militia, and volunteers, upon the average for four months, in the public service, independent of the five thousand men before stated. It follows, that during the four months for which the estimate is made, each man cost the country three hundred dollars, which amounts to nine hundred dollars per man a year. We have, during the present session, passed a bill increasing the pay of the Army and the bounty to new recruits. With this addition, each man will cost the United States little less than one thousand dollars during the same period. Should the number of troops contemplated be actually enlisted, our annual expenditure on account of the Army alone will exceed fifty millions of dollars. The portion of Virginia, which I in part represent, will be nearly seven millions, and of the small States of Delaware and Rhode Island, upwards of six hundred thousand dollars each. It mat-

ters not how the money is obtained; the people will ultimately have to pay it, and so far as it respects *direct* contributions, these sums will fall annually on the States mentioned to support the Army.

In Virginia, the whole amount of the public expenditures of the State is about three hundred thousand dollars. For this, the people enjoy all the leading benefits which good government can bestow. The security of life, liberty, and property; the impartial administration of justice; roads, and inland navigation. In short, every great object valuable to man, in a state of society, is provided for. And the army to invade and conquer Canada is to cost then twenty times the sum which they bestow upon the whole of their internal concerns.

Sir, it is a consideration certainly of the first moment where the money which these enormous preparations require is to be obtained. We have been told by the honorable Chairman of the Committee of Ways and Means, (Mr. Cheves,) some days ago, that you dare not tax the people; that they will not bear it. Really, sir, we present a strange spectacle—prosecuting a war for the support of which the people will not bear to be taxed, and yet, it is said, the voice of the people demands it. What a strong admonition does this very circumstance afford to gentlemen to abandon their lofty ideas. It is, however, said that it is not necessary to lay taxes; that the money wanted can be obtained by loans. Was this even practicable, would it be prudent to borrow to pay not only the war expenses, but the interest on preceding loans, and a portion of the ordinary peace expenditures? The present Secretary of the Treasury, before he was in power, wrote an essay on the finances of the United States, in which he stated that a Government acting on that principle pursued the course of a profligate, which would terminate in ruin. An individual who should conduct his affairs in such a manner, would not only impair his credit, but destroy his means, and certainly there can be no such great difference between private and public transactions as that the same cause should produce opposite effects.

But I cannot be persuaded that the attempt to carry on this war by loans can be successful. I believe, on the subject of disposable capital, gentlemen are much mistaken. At the close of the Revolutionary war, we were totally destitute of capital necessary for our commerce, which was carried on by the means of foreign capitalists. Since that time it is true we have prospered beyond example, and our capital has become comparatively great, but not much greater than the various pursuits of the country require. The first tendency of the scattered surplusses in a country wanting capital in the aggregate, is to concentrate itself in a banking institution, because the credit which a corporate body thus organized obtains, enables it to supply the demands of the country beyond their actual means, and renders to the individual whose money is thus vested a greater profit than if he had loaned it himself. It is not until this tendency has ceased that there will accumulate a large capital for Government purposes, to be loaned on moderate terms. It is true that the banks will in time of difficulty, when their capital cannot be used in the ordinary and more useful purposes for which they are established, loan their surplus money to the Government. This the banks did the last year. But there is a point beyond which they cannot go. The whole banking capital of the United States I have understood is about fifty millions. If my information is correct, I doubt whether the whole of their disposable means will enable them to advance the money wanted for one year's service. Indeed I have learned that the Secretary of the Treasury supposes they have already gone as far as prudence will permit them. Should this be the case, you will then have to apply to individuals for the money which the expenses of the war requires, and then it will be found that such a capital in the hands of individuals is very limited. The experience of the last year furnishes us with some evidence upon the subject. Out of the thirteen millions borrowed, only about four millions were obtained from individuals. Another fact contributes to show the correctness of the opinion. Our Revolutionary and Louisiana stock is generally owned abroad; this would not be the case was there an overflowing capital in the possession of our own people. These circumstances, combined with the difficulty of obtaining any large supplies through the medium of taxation, in a country whose population is so thinly scattered over an extensive territory, ought to admonish us to keep our expenses within the limits of our means.

Sir, I cannot conceal the apprehension which I entertain (however lightly others may think on the subject) of the consequences which may and probably will follow these measures. I fear that you will not be able to obtain the means to pay even those who enter into your service. And what will be the result in such an event is not difficult to anticipate. There are never wanting in military life men who, goaded on by ambition, are ready to turn their arms against their country, whenever a reasonable pretext and probable success shall invite them. These men are not confined to foreign climes—they abound in our own. Nothing can press itself stronger on the minds of an army, than, after having encountered the toils and dangers of war, to be left uncompensated and unprovided with the means of subsistence, and no remedy suggests itself more naturally (because its efficiency is felt) than to do justice to itself. The prospects of redress which ambitious men never fail to present in such a crisis are too alluring to be rejected. The consequence most generally is, that the arms which were intended to be employed in the service of the country are used against it. All history supports me in the opinion I here utter—even the history of our own country. The honorable member from Connecticut, (Mr. Tallmadge,) who was an eye witness, has informed you of the

disposition of our Revolutionary army (who certainly possessed patriotism beyond anything we can expect) at the close of the war. I subscribe to the opinion which he uttered most cordially, that nothing but the superior virtue and influence of its Chief prevented the catastrophe which I deprecate. When I reflect on these things, and see gentlemen, while they treat every apprehension as visionary, use efforts to depreciate the militia composed of the people, the only hope in such an attempt, I cannot look upon our prospects without concern. It is not to military power alone that the success of such efforts are alone owing; the boldness of the enterprise, and the apathy and indifference of the people arising from extrinsic causes, are auxiliaries which contribute to their success. The people of France who demolished the Bastile, who, in a torrent of enthusiasm, undisciplined, and almost unarmed, compelled the Duke of Brunswick to leave their country, who, under the command of Dumouriez, carried victory wherever they went, surrendered themselves to Bonaparte without a struggle, though he had not more than five hundred men immediately at his back.

My apprehensions are not solely confined to the danger resulting from military power; there are other consequences equally to be dreaded, which I fear may overwhelm us, should we continue in this course. There is one peculiarly delicate, but equally important—so delicate, that gentlemen have supposed it ought not even to be mentioned. Sir, shall I not be permitted to point to the yawning gulf beneath! Shall I not attempt to arrest your progress in the path where lies a serpent that will sting you to death? I deprecate disunion as an event pregnant with every evil. The moment it happens, civil liberty is banished from this country. I feel deeply interested that it should not happen. Permit me, however, to observe, that an union is connected by a consciousness which is felt that the various interests of the different sections are consulted and protected, and not by force. If you wish to perpetuate the Union, you must preserve that opinion. The moment that it shall no longer exist, the ties that bind us together become feeble indeed. The present war, though ostensibly waged for principles in which the Northern and Eastern people have a deep interest, is considered by them—and they certainly understand their interest best—as calculated to prostrate it. They feel the evils of your measures daily, and they see no prospect that they ever will be benefited by them. The physical power of the country is in their hands, and it requires nothing but public sentiment, which quickly follows public interest, and you ripen them for a state of things most of all to be deprecated. I hope we shall avert the evil by banishing the cause of discontent.

Besides the immediate physical evils which present themselves as probably resulting from our measures, there are other moral evils which I must dread. Our Government was made to secure the happiness of the people, and everything which even remotely is calculated to impair their moral sense, will have an effect upon their situation. When the people shall become attached to principles inconsistent with morality, or with their tranquil, civil pursuits, their prosperity and their freedom are at hazard. The spirit of conquest and of military glory, however fascinating, is baneful to the prosperity and liberty of every country. This spirit has shown itself in our country, of late, in an unusual degree. We have become tired of the peaceful character of our pursuits; and we want nothing but success on this first attempt, to encourage us to become a great military nation, attempting conquest in every quarter. Whenever that happens, we shall share the destiny of other nations. When the same spirit and the same councils prevail, the misery of the mass of the people is the support of the national glory.

One of the evils which I dread, as attending the war, and in my opinion not the least, Mr. Chairman, is, that we have united our exertions with the efforts of the great destroyer of mankind, who, having prostrated the independence of almost every nation on the continent of Europe, has drawn us into our present situation, to assist him in humbling his remaining enemy, whose destruction is, above all others, nearest his heart. I do not believe that gentlemen are so far lost to all sense of their country's interest, as designedly to unite the destiny of this nation with him, who lives only to destroy. I believe them, when they declare that such is not their intention. But we are united in fact. His ostensible object is the liberty of the seas: so is ours. His successes are our successes, and his defeats are our defeats. Being thus associated in fact—having one common object—if the war continues any time, we shall be associated in name also. When pressed beyond our present expectation by our enemy, we shall not make any difficulty in submitting to arrangements which may appear to us advantageous, but which are calculated to fasten us to the car of the conqueror. We may want men to enable us to obtain the object of our offensive operations in the North; France can furnish them. We may want ships to defend our coast; we can obtain them from the same quarter. But, for these things, we must stipulate an equivalent; and what can that be, but to unite in striking England from the list of independent nations?

Should this object be ultimately realized, what will be our destiny? Let the fate of Holland, Prussia, Italy, and Spain, answer the question. Can we suppose, that, with the fall of his present enemy, the ambition of Napoleon will be satiated? Will he, who has delighted in carnage and blood hitherto, become harmless, when we alone shall remain to oppose his thirst for universal dominion? It is not in the nature of man. Ambition is a passion, which, like avarice, increases as it is gratified. There are, indeed, some solitary cases, where it is exchanged for some other object. Charles V., Emperor of Germany, and King of Spain, after having incessantly labored for many years to extend his power, abdicated his Crown, and retired to a convent. But he was a religious

devotee—a weakness or a virtue which belongs not to Napoleon. We have been told, by the honorable Speaker, who manifested much sensibility on account of the abuse which he supposes is bestowed on the French Emperor by the Opposition, that we have no concern with European affairs. How happens it that we are involved in an European war? Sir, we are deeply concerned in the commercial and political state of Europe. If we intend to remain a commercial people, our interest is best promoted if a liberal commercial spirit is cherished in that quarter of the world. In a military Government, such as that of France, commerce never can flourish; nor is it desired by those who govern, because its tendency is to promote a spirit of freedom, incompatible with the existence of such a Government. You see in the policy of the ruler of France a strong inclination to suppress foreign commerce, by restraining the freedom of enterprise, and lessening the security of property. Should he be successful in his attempts on those portions of Europe not yet within his grasp, society will be brought back to its state in the dark age of the thirteenth century. We are certainly interested in preventing such results. We are interested, also, in the political state of Europe. Our security depends on the division of power into different hands, so that those who possess it shall restrain each other. Is it not, therefore, unwise to unite our efforts to destroy the only bulwark of independence, and prostrate the remaining obstacle to universal dominion?

Sir, gentlemen have called upon us to unite with them in the measures which they are pursuing. Let me call on them in turn to unite sincerely with the friends of peace in their objects. Their's is an untried course, pregnant with great dangers. To our's experience has given a high sanction. A fair opportunity is now afforded to them to terminate the course of hostility. It is not necessary that they should retrace their steps, for the leading cause of the war is at an end. Let them only stop and not continue the war for an object for which they would not have commenced it. To this, every consideration which can influence men to whom the destinies of a nation are committed prompts them strongly. In the past, they see in this nation a picture of liberty and happiness never equalled; while the rest of the world presents an aspect of complicated misery. Do we not hazard too much by foregoing the advantages of peace? Is the probability of success not too uncertain to put in jeopardy everything valuable to us? But gentlemen answer, that our honor forbids the abandonment of the war until we have obtained the object in contest. What is true national honor? I conceive that a Government which is scrupulously attentive to the happiness of its people; which performs with good faith the duties which one nation owes to another; which observes its promises; has arrived at the summit of honor. If war, conquest, and military glory, constitute the basis of national honor, then the most perfidious are the most honorable of the present age. That which gentlemen call our honor has long since been sacrificed at the footstool of Napoleon. He usurped our sovereignty by declaring us in a state of war with England long before we thought of it. He insulted the nation by declaring we were a people without honor. He degraded this assembly by declaring it was more dependent on England than the assembly of Jamaica. He told us that if we would not fight for honor, we would be compelled to fight for interest. When to this is added the perfidy, injury, and insult, of his Rambouillet decree, and the reason given for it, it bears no parallel in point of indignity to anything ever received at the hands of Great Britain. Why were gentlemen not so sensitive upon the point of honor then? I can give but one reason, consistent with the respect I have for them, the interest and prosperity of our people forbid the resort to arms.

Sir, I conceive that our honor, instead of leading us deeper into the war, ought to lead us out of it. How have we been brought into our present situation? Is it not solely attributable to the perfidy of the French Government? Will any gentleman in this House contradict me when I assert that if our Government had not believed that on the 1st of November, 1810, the decrees of Berlin and Milan were revoked, and ceased to operate upon our commerce, we should not have come into collision with Great Britain? If I recollect right, it was expressly stated in the report of the Committee of Foreign Relations, in the session of 1808, sanctioned by this House, that as long as the two belligerents continued their injurious edicts against our commerce, it would be improper to enter into hostilities with either; that, under such circumstances, war with one was submission to the other. Is there any person, who has any claim to impartiality, who now believes that the promises of France were fulfilled according to their letter or spirit? Nay, is there any person who does believe that the decrees were ever repealed or ceased to operate, until we were pledged to go to war by the measures of the last session? Never was there a more fraudulent imposition than the conduct of the French Government presents in relation to this subject.—Though our Ministers, time after time, requested an official document showing the repeal, so that it might be presented to the British Government to obtain a discontinuance of the Orders in Council, yet it was parried and evaded; the reason was, there was no such document in existence. When it could render us no service, when we were committed in the war, the ante-dated decree, purporting to have been issued the 28th of April, 1811, was issued, containing upon its face the grossest insult. It states, that in consequence of this Government having put in force the non-importation system against Great Britain, the decrees of Berlin and Milan were repealed—thus putting us in the lead. This Government had adopted that measure as consequent on the repeal of those decrees. It is to be much regretted that the President became the dupe of this artifice; that he did not manifest the magnanimity to re-

voke his proclamation of November, 1810, when he discovered the deception, particularly as he had a precedent in the case, which grew out of Erskine's arrangement.

I cannot omit to notice an idea, suggested in the course of the debate, by an honorable member from Georgia, (Mr. TROUP.) He has urged upon the House the propriety of inveigling all British seamen into our service, by promising them the immediate benefit of naturalization. I feel astonished to hear such a proposition made by a gentleman coming from that portion of the Union. Those who inhabit the country between the Potomac and Florida, east of the mountains, ought to offer up their daily and nightly prayers to Heaven, to preserve the ocean of life unruffled. They are afloat in a very crazy vessel. You know, Mr. Chairman, there is a population among them whom necessity compels them to keep in slavery. They want nothing but means and opportunity to attempt to break their shackles; and I ask what can you expect from your enemy, if you seduce her subjects from their duty and allegiance, but that she will retaliate and strike you in the most vital part? This apprehension I know is treated as visionary; but remember the fate of St. Domingo. I have no confidence in the reasons generally offered to dispel the idea of danger from that quarter; that is, the want of means and intellect on the part of the slaves. Man is strong, resolute, and ingenious, where liberty is concerned. Before the year 1800, it did not enter into the imagination of any person in Virginia, that any danger was to be apprehended from that source. In that year a conspiracy was discovered, not only dangerous as it respected the numbers concerned, but their plans and means manifested a degree of capacity which could not have been believed. The discovery inspired terror into every bosom. I was in a situation at that time which enabled me to see and feel it. Sir, with ten thousand men landed on the Southern shores, and fifty thousand stand of arms, what havoc might not be expected? I do not pretend to say that such an attempt would be finally successful, but the consequences would unquestionably be disastrous. Every man would find in his own family an enemy ready to cut the throats of his wife and children. Would such a catastrophe not greatly outweigh all the objects of this war? Let us keep within the ranks of civilized warfare and we may perhaps avoid the danger.

I will close my remarks by stating to you the course which, if I had any influence, I would recommend. I would interdict the employment of all British subjects in our public and merchant service, as a measure not so much to propitiate Great Britain as to benefit our own seamen, and prevent us getting into collision hereafter. I would make another overture for peace upon liberal principles, in which I would manifest a real spirit of amity, content to take the good, though it might not be accorded in the form most eligible to my mind. I should not at present insist for the indiscriminate immunity of our flag, but be satisfied with a stipulation which would secure us from the abuses of impressment—such as our Ministers Monroe and Pinkney did obtain, I consider "honorable and advantageous;" and such can again be obtained if we use the proper means. There is nothing degrading in this course; we have the example of WASHINGTON in the year 1793. Mr. Adams, who certainly will not be charged as being too pacific, after our Ministers had been rejected by the French Directory, sent messengers of peace a second time. If such a course should be adopted, I venture to pledge myself you will have an honorable and advantageous peace.

Mr. ROBERTSON.—Mr. Chairman, I am well aware that the House will listen (if it listens at all) with much reluctance to a further discussion of the subject under consideration. Nevertheless, it is my intention explicitly, but consisely, to state some of the reasons which influence me to support the measure proposed; some of the views connected with them, which command my approbation, and induce my aid. Sir, I purpose to make a few remarks on the bill itself, and subsequently, without following gentlemen in the wide and expansive range of argumentative, declamatory, and defamatory eloquence, in which they have thought fit to indulge, to reply to some of the observations which struck me with most force, and which my memory still retains.

The honorable Chairman of the Committee on Military Affairs is entitled to the thanks of this House, and of the nation, for the able and lucid exposition he has given, of the plan intended to be pursued by the Government in the prosecution of the war in which we are engaged, and of the objects for the attainment of which an increase of the Military Establishment is deemed necessary. What is that plan, and what are the objects in contemplation? The power of the nation is to be called out; a portion for a defence of our seacoast and extensive frontier; the residue to be sent forth to battle against our implacable foe, to drive him from the American continent, and thus to insure our future peace, if not our Union and independence. These objects are avowed, and efforts and energy are necessary to their success.

The propriety of defending our country can be denied by none. This proposition is clear. Even the gentlemen on the other side of the House (as it is fashionable to speak) do not oppose it. For myself I do not hesitate to say, it presses itself on my feelings with irresistible force. When I take into consideration the exposed situation of the people whom it is my pride and honor to represent, when I view them surrounded by numerous and warlike tribes of Indians, skirted by strong holds in the possession of a nation devoted to our foe, containing in the bosom of their country a class of beings always on the watch to overwhelm them in ruin, I lose sight of other considerations, and am compelled to urge, as I do most earnestly, that no obstacles may be thrown in the way of our complete protection. I have lived for some years in the country to which I have called your attention. I have not been altogether an inattentive observer, nor indifferent

to its interests. The neglected state of the militia under the Territorial government, its present unorganized and unarmed state, have not escaped my notice. But we must "blame the culture, not the soil." The inhabitants are brave, expert in the management of the horse and in the use of arms. The materials are good. It is unnecessary to dwell on these, or to mention other circumstances of an internal nature. Suffice it to be observed, our situation is insecure. I have stated, sir, that we are surrounded by numerous and warlike tribes of Indians. I will not recount their numbers, nor blazon their powers of doing mischief. These facts are too notorious to require repetition. I have stated that strongholds in our immediate neighborhood are in the possession of a people devoted to our enemy. The Spaniards on our eastern frontier are under their perfect control. They considered the English as fighting for the independence of Spain, their native country, their religion, and their King. In their towns an extensive British trade is carried on, and from their ports, where they refit, issue forth the armed vessels of that nation to the annoyance of the commerce of our country. The Indians too are excited against us. On my journey from New Orleans to this place, passing through the Creek confederacy, I received certain information that the Spanish commandant at St. Marks had assured them that their friends the British were expected soon in considerable force at that place and at Pensacola, and that they should be furnished with arms and other munitions of war to be used against the Americans. Sir, humanity to that people, as well as the irresistible claims we have to protection, require that a force should be stationed on the Mobile and Mississippi, sufficient to prevent the effect of British and Spanish machination, or to throw back on themselves the evils of hostility.

The honorable Chairman of the Committee observed, that gentlemen might object that the number of troops allotted for the defence of particular districts was too small. Sir, I do not think the number of troops allotted for the defence of Louisiana competent to effect that object. Leaving out of view her intrinsic worth, her invaluable products nowhere else to be found within the limits of the United States, let us consider her in relation to the Western country, as the superb avenue through which passes to the ocean the production of the most extensive and fertile lands, bordering on the same river, to be found on earth. The necessity of her protection will be thus rendered more obvious, and it will be admitted that the safety of Louisiana is connected with the prosperity of the fairest portion of our territory, indeed I may say with the preservation of the Union itself. But my motives would be misunderstood, my feelings outraged, if the support I give to the bill before the House was attributed exclusively to circumstances growing out of the situation of the State I have the honor to represent. No, sir, the war we are unhappily engaged in is just and necessary, not to have been avoided without a sacrifice of rights and principles enjoyed and defended by every independent nation. But gentlemen in opposition say, as they have always said of every measure, whatever its character, that we are wrong; that we have no cause for war; that the course we pursue leads to ruin, disunion, slavery; that we do not carry along with us the approbation of men of understanding; that the moral sense of the community is against us; yet, when they are challenged in the plenitude of their superior wisdom to suggest other measures, to point out some other and better course, they are silent, dumb; not a word. To elucidate their conduct by a familiar example: You are clamorously arrested in the highway; you are told that the road you travel is beset with danger, that it does not lead to your destined goal. Your informant boasts of his intimate knowledge of the route, and when you ask or expect to be relieved from the doubts which he alone may have excited, you are answered, it is not his business, he is not your guide; but the night approaches, the clouds lower—will you proceed, or stop and listen longer to this unprofitable and idle interference? Sir, a sign-post points out the way, although it does not go along with you.

The views of the minority are too obvious to be mistaken: they wish for that power which they once possessed and, possessing, abused; they wish to deprive the Government, I do not mean exclusively the Executive, of that popularity they at present possess. It is not then to be expected that they will either co-operate in, or recommend, wise and salutary measures, for that would be to strengthen their political opponents in the confidence of the people. Let us then, with a single view to the honor and interests of our country, pursue that course which its honor and interest require. Let us exercise with firmness and deliberation the rights of a majority. It is unimportant whence this majority comes; the right to govern the nation is complete; we are limited by the Constitution, but not by a minority. Let the minority pursue their accustomed course; let them clamor, and if they please advise. I would listen to their advice with caution—to their clamor with contempt.

I now proceed to examine some of the objections which have been made, not to the bill, but to the further prosecution of the war. The war is denounced as unconstitutional, cruel, the effect of French influence, and as intended to place James II on the throne of America. In making the first objection, gentlemen could not have been serious; they could not have expected that it would have been deemed worthy of an answer. The power to make war belongs to all nations; is of the essence of Government; but the Constitution of the United States gives it expressly, in so many words: "The Congress shall have power to declare war, to raise and support armies." Whether the war be defensive or offensive, depends on circumstance and accident, but cannot affect the right. If war be defensive and offensive, still the whole is equal to its parts. But to what does this doctrine lead? Do gentle-

men believe it to be true? Then it becomes their duty to move for the appointment of a committee to inquire into the circumstances of the capture of the Macedonian, and if it be discovered that she was taken at more than a marine league from the shore, to cashier the American officer, declare the attack and capture unconstitutional, and restore the vessel to her former master. Then an enterprise, giving rise to a new era in maritime history, and entwining round the brows of the United States a wreath of imperishable laurel, turns out to be a violation of that instrument on the sacredness of which depends the Union and happiness of America. The war is not unconstitutional, nor can it, by any possibility, be so considered.

Sir, I listened to the gentleman from Massachusetts with astonishment when he denounced the war as unjust and cruel; and this charge is made by an American against the American nation, the only one inhabiting this many-peopled globe whose escutcheon is unstained with blood, and whose character is not blasted with human butcheries. We are held up thus in contrast with the British; the British! among the most ferocious of nations calling themselves civilized. Look to India, Ireland, America; look throughout the world; recount the millions of her victims to the sword, dungeon, and want; the murdered Irish; the starved Indian; and confess that she stands unrivalled in carnage. If the bodies of men whom she has massacred were brought together, they would literally form a mountain of slain. If the blood which she has spilled were collected, it would, without a figure, "the multitudinous sea incarnadine." But in what instance have the citizens of our country merited so foul an aspersion? We learn of cruelties practised upon them on the ocean and on the land; while their heroism and humanity are acknowledged by the enemy; an enemy compelled to appreciate, although incapable of imitating their conduct. It is not, it will not be, on our part, a cruel war. America will never forfeit her just claim to a character exclusively her own. In this she finds no rival among the nations of Europe; can find none, for they are—

"In blood
"Stept in so far, that, should *they* wade no more,
"Returning were as tedious as go o'er."

The war is attributed by the gentleman from Massachusetts to French influence; and this assertion is made in the presence of numbers who voted for the measure, whose pure and unsullied characters have raised them high in the confidence of the people, and should have shielded them from such hateful suspicion. But the charge, wherever made, deserves to be repelled. Let us, for a moment, consider it. Where, sir, does this French influence exist? Where is it to be found? In the States of Tennessee, Kentucky, Virginia, the Carolinas, and Georgia? Do the citizens of these States speak the French language? Do they read French books? Are there Frenchmen living among them? Are they connected with the French in trade, by marriage or consanguinity? I believe not. How, then, did French influence get among them—the scattered inhabitants of our forests—the industrious agriculturists of our country? But I ought not to have omitted Louisiana; perhaps it may be found there. Let not gentlemen be alarmed; there is no French influence there that will endanger their liberties, or disturb their quiet. The natives of that State are like ourselves, American; and they have, at least, been severed as long from French domination as we from British. Their interests bind them to us; they are well aware of the mutual benefits which result from our connexion. But, sir, if French influence exist in that country, it has not reached me. I was not generally the choice of that part of the community called French; I state it with regret, for they generally possess my esteem. But, sir, the cry of French influence is intended to throw dust in the eyes of the people, to prevent them from seeing what will not bear looking on. Suppose there should be a portion of our country where British influence is said to exist; is the English language there spoken? Are the people connected with the English in trade, in consanguinity, in all the various relations to which society gives rise? The answer presents itself at once.

"This war is waged for the purpose of placing James II on the throne of America." I entertain almost too favorable an opinion of the gentleman who made the remark to believe that he really feels the suspicion. He has adduced no argument; he has stated no fact; but he has indulged himself in a style of accusation disgraceful to himself, and insulting to this House. He has shamelessly departed from the subject to abuse a character holding no office in the Government, exercising no control, interfering not with our public councils; a gentleman, who, in the shades of retirement, enjoys that calm and tranquillity which flow from the consciousness of having performed well and strictly his duties towards his country. I had thought that, in relation to Mr. Jefferson, the Porcupines and Callenders had cropped the choicest flowers of Billingsgate wherewith to deck their effusions, until the House was presented the bouquet of the honorable Representative from Massachusetts.

The gentleman from Virginia (Mr. Sheffey) gives a very particular statement of the expense we shall encounter, and estimates—with how much accuracy I shall not pretend to say—the amount that each man enlisted in the Army will cost the Government. He has also stated that there was no probability that the additional force would be raised; that the citizens of our country would not forego the happiness of domestic situation, and the rewards with which industry is crowned, to become soldiers, of whom he spoke as tavern loungers, haunters of tippling shops, whiskey drinkers, &c.

Sir, the people of the United States never calculated on going to war without encountering the expenses incident to such a state. But if, ac-

cording to the honorable gentleman's predictions, the forces cannot be raised, why the apprehensions of enormous expense? But the opinion is most unfounded. The patriotism of our country will fill up the ranks of her armies. The patriotism of the State which the gentleman represents ought not to have escaped him. In the neighborhood of my former residence, volunteers, conspicuous alike for their characters and talents, have marched to the standard of the nation; and, in abandoning the comforts of their homes, in pressing forward to fight our battles, in courting danger, and submitting to unaccustomed privations, little did they suppose that they thus exposed themselves to the contemptuous epithets so liberally bestowed by a Representative from their own State.

But it is said that, as the Orders in Council are repealed, the question of impressment is the only one in controversy between the United States and Great Britain; and, on this subject, the honorable gentleman from North Carolina, (Mr. Pearson,) has, without difficulty, settled principles about which jurists have differed in opinion. He contends that individuals cannot divest themselves of their allegiance; that the right of expatriation does not exist; that the practice of naturalization is wrong. These opinions are as erroneous as they are repugnant to every principle of human liberty, and owe their origin to feudal times and feudal States; times and States, the prolific sources of the vilest principles in politics and morals.

I believe that every civilized nation under the sun is in the practice of naturalizing foreigners. The omnipotent Parliament of Great Britain exercises this right. The rights of all independent nations are equal. Whatever course Great Britain pursues in relation to the subjects or citizens of other countries, these countries are authorized to pursue in relation to the subjects of Great Britain. Whatever her admirers may say to the contrary, if she does not acknowledge, she is compelled to act in conformity to this principle. Where is there in her history an example of her punishing, as a traitor, a Briton naturalized by a foreign Government, although found in arms against her? If a subject could not divest himself of his natural allegiance; if once a subject always a subject, were true, how is it that Napper Tandy was suffered to escape punishment? Why was he not hanged as a traitor? He was born in Ireland, became a French citizen, served in war against his native country, was taken, tried, and found guilty of high treason; but when a terrible retaliation was threatened by France, in the event of his execution, that nation, which never yields to threats, restored him to his then adopted country.

Shall the United States abandon not only her naturalized, but her native citizens, to the capricious tyranny of every petty officer in the British fleet? Shall we permit, in relation to ourselves, the operation of a principle opposed by every other nation? Shall we, after having emancipated the mind of man from so many shackles, permit galling chains to be rivetted around him? No arguments have been used, no authorities cited, to establish the principles for which Britain and her advocates contend. The right to impress seamen of any description whatever from vessels on the high seas, does not belong to any nation whatever. The sea is the highway common to all. No municipal regulations can operate on it: and vain would be the search into the laws of nations for authority to justify the practice of England. The searching vessels for men is an abominable interpolation on the right of search for contraband of war, that ought not to be admitted. But if it were doubtful, if it were lawful, the abuses which follow from the practice, and which must necessarily follow, from our being, in language and appearance, one people, imperiously forbid its exercise, and require that Great Britain should not be permitted, under any pretext, to take seamen from our public and private vessels.

But gentlemen are opposed to the further prosecution of the war. Do they contend that the causes which rendered it necessary have been removed? Have we obtained the objects for which it was commenced? Is the new and before unheard-of system of blockade abandoned? A system which, under the pretence of being a military measure, was converted into a commercial scheme beneficial to the belligerents, and destructive alone to the rights of neutrals. Have our citizens been restored to their country? Is any disposition evidenced to omit tearing them from their homes and families in future? What will be the consequence of laying down our arms, of shrinking from our present attitude? We are at the feet of Great Britain: and after having for years attempted in vain to obtain justice, we are to recommence fruitless negotiation. Admit that we are unable to enforce our demands, to support our independence, that we cannot carry on war, that the friends of the British Government in this country (to use their own expression) will not permit us; in such a situation, with such admission, to expect justice would be folly in the extreme. England would return to her habitual spoliations, would re-establish that state precisely the most beneficial to herself, the most injurious to us: infinitely better to her than peace on fair terms, for then the opportunity would be lost of feeding and enriching her navy at our expense; better than war, as the numerous prizes brought into her ports of late very clearly prove. Formerly the losses were exclusively ours. Yes, sir, willingly would she return to, and forever continue, her former career of depredation; and the next ten years would add another thousand to the thousand American vessels already carried into her ports.

Too long did we suffer disgrace and degradation. Peace, with all its blessings, may be enjoyed at too dear a price. But yet, while it was possible to preserve it, we shut our eyes against the most flagrant injuries; we affected not to hear the loudest insults. Peace was congenial to our habits, favorable to the principles of our

Government. It was not to be apprehended it would be, nor cannot be now believed that it was wantonly abandoned. Whilst tranquillity prevailed it was wise to dwell on its advantages. Now, that in spite of all our efforts we are at war, it is well to inquire whether circumstances may not grow out of it favorable to our future happiness and prosperity.

The British possessions in America present themselves to our view and invite a conquest. I am struck with the contrariety of opinion which prevails among gentlemen. Some of them speak of the country as barren, the climate as inclement, the inhabitants thereby scattered over the face of the territory. If this be true, it will not be considered as worth defending, and as by its loss Britain loses nothing, the sympathy which she seems to have excited, and the doleful jeremiads to which her anticipated disasters have given rise, are as unnecessary as they are misplaced. But others say, no doubt from its importance to its European sovereign it will be defended to the last extremity; that the United States cannot take it; that the army we propose to send into the field will prove insufficient. When gentlemen differ so widely, no satisfactory conclusion can be drawn from their opinions. Sir, Canada will be defended, and it is from a belief of that fact, and from a knowledge of the force which Great Britain may bring into the field, that the troops now demanded become necessary. We have heard an estimate of that force too often to be again repeated. It has lost nothing of its magnitude and importance. Its valor has received the highest praise, and we are triumphantly asked if we expect to intimidate Great Britain.

Sir, none but cowards calculate on the cowardice of their foe. We do not expect to intimidate her. We expect to meet her armies in the field, and to vanquish them. The power of Britain must be extinguished in America. She must no longer be permitted to corrupt the principles and to disturb the peace and tranquillity of our citizens. Our frontier inhabitants must not be kept in dread and danger from her Indian allies. And never shall we be secure among ourselves, and exempt from the mischievous intrigues of Europeans, until European power is expelled across the Atlantic. The gentleman from Massachusetts says, that Canada entered into the scheme of the war. It certainly does now enter into the scheme of the war. Sir, no citizen of the United States would have given his consent to an unprovoked attack on that country merely for the purpose of getting possession of it. But I do, for one, rejoice that, under present circumstances, we thus have an opportunity afforded us, not only to make our enemy feel our power, but to drive him from this continent, and to remove one of the most frequent causes of war among nations—neighborhood and contiguity. The evils of peace, on the terms of gentlemen in opposition, cannot be borne. Let us then, with firmness, persevere in the contest in which we are engaged, until it can be terminated on principles compatible with the rights and honor of the nation.

The Committee now rose, reported progress, and obtained leave to sit again.

TUESDAY, January 12.

Mr. JENNINGS presented a petition of John James Dufour, and his associates, stating that, in 1802, an act was passed authorizing the sale of a quantity of the public land to the petitioners, upon a credit of twelve years, without interest, for the purpose of encouraging the culture of the vine, and that they are unable to complete the payment of the money within the limited time, and praying a grant of the further time of ten years to complete their payments.—Referred to the Committee on the Public Lands.

The SPEAKER laid before the House a letter addressed to him from William Duane, requesting that Congress will again take into their consideration the Elementary Treatise on Military Discipline, presented by him at the last session, called "A Hand Book for Infantry," and that such order may be taken thereon as the work may be found to merit.—Referred to the Committee on Military Affairs.

On motion of Mr. WILLIAMS, the Committee on Military Affairs were discharged from the consideration of the petition of the Legislature of the Illinois Territory, presented on the sixth instant, and it was referred to the Secretary of War.

A Message from the President of the United States was read, transmitting an account of the contingent expenses of the Government, for the year 1812.

A message from the Senate informed the House that the Senate have passed a bill "giving further time for registering claims to lands in the Eastern District of the Territory of Orleans, now State of Louisiana;" in which they desire the concurrence of this House.

ADDITIONAL MILITARY FORCE.

The House again resolved itself into Committee of the Whole, on the bill to raise an additional army of twenty thousand men, for one year.

Mr. EMOTT addressed the Chair, as follows:

Mr. Chairman: I mean no common-place remark, when I declare to you, that I address you on the subjects which have been brought into this debate, and as I think properly so brought, with great reluctance. My general deportment since I have been honored with a seat on this floor, is sufficient evidence to you and the Committee that I feel an unwillingness to mingle in the war of words which is carried on here. There are causes which add to this repugnance on the present occasion. The debate has been continued for such a length of time, and in part has been conducted with so much asperity, that the minds of all have become fatigued, and the passions of many inflamed. I know, and I duly appreciate the difficulties which, under such circumstances, surround and face the speaker. But, sir, there

are considerations of public duty, and individual propriety, which urge, nay, demand of me, to ask your patience, and the indulgence of the House, while I present to you and to them my view of the great subjects involved in this discussion.

I listened, sir, with great attention, and certainly with much pleasure, to the gentleman from Louisiana, (Mr. Robertson,) who addressed the House for the first time yesterday. Against some of his positions, and some of his doctrines, I must however enter my protest. The gentleman, in the silence of the minority, finds cause for censure; they are not of equal utility with guide-posts, which, if they do not accompany the traveller in his journey, at least point to his way. And yet when it occurred to him, that the minority did sometimes interpose with their advice, their directions, and if you please, their censure, they were held up by him, as fit objects of distrust. The ultimate object of the opposition being, as he supposes, power, he appears to think that when they do advise, it will be for the purpose of embarrassing their opponents, of procuring their assent to measures which will end in their downfall. Thus, if we remain silent, we do not perform our duty; and if we object to majority plans and views, or propose measures which are not stamped with the mark of Executive approbation, we do worse; we are plotting the destruction of the men in place, not with a view to the public welfare, but to individual interest. This is really placing the minority in an awkward situation; and after all we shall, I believe, have to pursue the track of former minorities. With the good pleasure of the gentleman, we will continue to mark the public course of public men, and when we believe they lose sight of, or disregard, the essential rights and vital interests of the people, for whose welfare, and at whose expense, this Government is maintained, we must be allowed to oppose them in a constitutional and orderly manner.

The gentleman from Louisiana has gone into a course of reasoning, to repel the charge and the suspicion of French influence, in or out of the Administration. With his facts, or his deductions, I have nothing to do. I hope it is true, that there is no understanding between our Government and that of France, with respect to the measures which have been formerly adopted, or are now pursuing, against Great Britain. Nay, I am willing to allow, that the persons in the majority are as pure in their views, and as patriotic in their intentions, as men in the opposition can be. But after saying this, I hope I may be permitted to ask the gentleman to reconsider the judgment he has been pleased to pass upon the Northern and Eastern parts of the Union. He believes in the existence of a British party in that country, and intimates that the charge of a French influence elsewhere is a mere cover; it is a dust, raised to draw off the attention, or obscure the vision of the people. Sir, we sometimes hear of this charge of British influence at the Eastward. The charge is made there by the wicked, and not unfrequently believed by the weak; the latter have our pity, the former our contempt.

The influence of British feelings! Yes, sir, the Eastern people are sometimes actuated by British feelings, but they are the feelings which operated on their ancestors, when they left England, because they loved liberty, and hated oppression. They are the feelings which operated on some, even of the present generation, when they staked their homes, and their firesides, on a contest for their political rights; when, at the hazard of their lives and fortunes, they opposed British power and claims. The influence of British principles! Yes, sir, they are actuated by British principles, but, they are the principles of a Milton, a Locke, and a Sidney; principles which teach that Government is intended for the benefit of the people, and not for advantage of their agents; principles which teach them, that it is not only the right, but the bounden duty of the people, to mark the conduct of their rulers, and to reason on its fitness; to bestow applause where it is due, and not to withhold censure where it is merited. When, sir, they shall no longer be actuated by such feelings, and such principles; when they shall subscribe to the doctrines, that the men in power can do no wrong; that the will of the Executive is in all cases to be obeyed, and that they must speak of the acts of the Administration, only to applaud—then I shall begin to believe, that they are under the influence of French principles, and are fit for slaves.

Mr. Chairman, I am aware that, in the discussion I am about commencing, I shall render myself obnoxious to the wit of gentlemen who think that, to bring into view other topics than those which arise out of the details of the bill now on your table, is to go beyond the range of legitimate debate. The bill contemplates the raising an additional military force of twenty thousand men; thus increasing the Military Establishment, or the standing Army of the country, to upwards of fifty-five thousand men. Now, sir, with the details of this bill I have nothing to do. Nay, I will confess to you that I like the bill as it stands, providing for enlistments for one year only, better than I should, were it amended, as has been proposed, by prolonging the terms, precisely for the reason that the force will be less efficient and dangerous, and more under legislative control. I meddle not with the fitness of the instrument, That is the business of other men. But, being opposed to the continuance of the war offensively, as I was to its commencement, I cannot consent to grant any further force to carry it on. The only check, or control, which the Legislature can constitutionally have over a war after it is begun, is in withholding the means; and, in voting the means, either in men or money, every member of the Legislature ought to be satisfied of the necessity of prosecuting the war.

According to my best judgment, sir, this war was improperly commenced, and is unnecessarily continued; and I shall now proceed to explain the grounds of that judgment by an examination of the causes of the war, as they existed at its commencement, and as they now remain. As this is the first time that the subject has been

brought into debate, and, indeed, the earliest opportunity which has been allowed, of an open discussion, I am sure I shall be pardoned for going into detail, if I even should be tedious, as I know I shall be uninteresting. It is a right which I think I may claim, to state distinctly my reasons and motives for the votes which I have given, and may give, in relation to the war, after what has been said in this House, and out of it, about the opposition to the views of the Administration.

In making this examination, I shall pass in review, in as brief a manner as possible, the three great subjects of complaint against Great Britain; her orders of blockade, her Orders in Council, and her practice of impressment. But for one or all of these, the war certainly would not have been declared; and I may assume that, for but one or all of these, the war ought not to be continued. I cannot, indeed, but recollect, that the gentleman from Louisiana has mentioned the conquest of Canada, and of the Floridas, as causes for the continuance of the war. As respects the Canadas, I have heretofore understood that their reduction might be a consequence of the war, but never until now did I know that it was to be shifted into a cause for carrying it on. And, in regard to the Floridas, I will not consent that their conquest should, in the existing relations of this country, be either a cause or consequence of war. I will confess to you, that an invasion of the colonies of Spain at this time, under the stale excuses of convenience or necessity, strikes me with abhorrence. It is not only against the genius of our Government, and, as I hope, the character of our people, but, if persisted in, will be a foul blot in our national history.

As to the British blockades:—In order that I may not be said to misrepresent the views of the Executive Government, or of this House, I will read to you the charge of the one and the other, respecting blockades. The President, in his war Message of June last, says, "Under pretended 'blockades, without the presence of an adequate 'force, and sometimes without the practicability 'of applying one, our commerce has been plun-'dered in every sea." What is thus generalized by the Executive, is made particular by the report of the Committee of Foreign Relations, which, it will be recollected, and I make the observation once for all, was made the act of this House by placing it, against all former usage, on the Journals.

The report, after a dissertation on the carrying trade, and its interruption by the British, proceeds to say: "In May, 1806, the whole coast of the 'Continent, from Elbe to Brest, inclusive, was 'declared to be in a state of blockade. By this 'act, the well-established principles of the law of 'nations, which have served for ages as guides, 'and fixed the boundary between the rights of 'belligerents and neutrals, were violated." This, then, being the charge, we may inquire, whether the order of blockade, of May, 1806, was really a just cause of war in June, 1812, and whether it yet continues to be so?

I understand, Mr. Chairman, that the British Government, theoretically, at least, admits the ancient rule of national law respecting blockades. Not to go further back than the correspondence of 1811, the British Minister, in his letter of July 3, to the Secretary of State, in reference to this very blockade, declared: "If the Orders in Coun-'cil should be abrogated, the blockade of May, '1806, could not continue, under our construc-'tion of the law of nations, unless that blockade 'should be maintained by a due application of an 'adequate naval force." Indeed, sir, the President, in his Message, and the Committee of Foreign Relations, in their report, distinctly admit the correctness of the British theory, and urge it by way of complaint against her practices. I have not discovered that we have changed our ground on this subject. We have not yet, to my knowledge, adopted the Napoleon principle of maritime law, that a blockade requires a besieging force, and can only be applied to strong or fortified ports. It therefore follows, that the dispute with England, relative to blockades, is not about any new principle advanced by her, but about her practice in opposition to her own principles and our avowed doctrine. Now, sir, with this view of the subject, was the order of blockade of May, 1806, a cause of war in 1812?

The order of blockade of the 16th of May, 1806, with an exception which I will presently notice, declares "the coast, rivers, and ports, from the river Elbe to the port of Brest, both inclusive," to be in a state of blockade, but provides that such blockade was not to extend to neutral vessels, laden with goods not being enemy's property or contraband of war, provided that the vessel going in, had not been laden at a port belonging to an enemy, and the vessel going out was not destined to an enemy's port, and had not previously broken the blockade.

In regard to so much of the order as relates to enemy's property and contraband of war, it affords no ground of complaint; as by the law of nations we could not, even in the absence of a blockade, cover the former or trade in the latter. The objectionable part of the order must therefore be that which prohibits the entry of a neutral vessel, which had loaded at an enemy's port, and the departure of a ship destined for an enemy's port. Now, the obvious effect of these restrictions, was to prevent neutrals from carrying on the colonial, and engaging in the coasting, trade of France. The inward bound vessel was not to have a cargo which had been put on board in a French port, and thus the trade from a colony to the mother country, as well as the coasting trade in the latter, was prevented. The outward bound vessel was not to be intended for a French port, and thus the trade from the mother country to the colony was prohibited. If the order had an operation beyond this, it must have been almost a thing of accident.

Let it now be recollected, that the British have, from the year 1756, contended that a neutral was not authorized, by the law of nations, to engage during war in an unaccustomed trade with the

colonies, or on the coasts of their enemy. To capture vessels engaged in such trade, we know that they did not think it necessary to resort to blockades. By this order, therefore, they claimed no new right, nor did they under it exercise any new power over neutrals. In fact, while it prohibited the direct, it left free, or rather threw open to neutrals, the indirect colonial trade. The nature of the cargo, or its origin, was not a subject of inquiry; it was sufficient that it was not put on board the vessel at a French port. And we have the authority of the Administration, for saying that in this respect, it was not only calculated to benefit our merchants, but that they actually were benefited by it. In the letter from Mr. Monroe to Mr. Foster, of the 1st of October, 1811, it is expressly stated, "That this order, by allowing the 'trade of neutrals in colonial productions to all that 'portion of the coast which was not rigorously 'blockaded, afforded to the United States an ac-'commodation in a principal point then at issue 'between our Governments, and of which their 'citizens extensively availed themselves."

When we look at the order of blockade in this point of view, and without the exception, it is surely not necessary to ascertain the extent of coast embraced by it, nor to calculate the number of ships it would take to blockade such coast. This may be pretty amusement for grown children, who need examples in the first rules in arithmetic, but it is unworthy of grave statesmen, when deciding on the momentous question of peace or war. It was in a special manner, as I shall more distinctly show hereafter, unworthy of the member of the Administration who has taken a lead in this war, and who, in the opinions of many, is now nursing it. Such a blockade was in itself harmless, nay, more, it was beneficial to us. It wanted no fleets to enforce it. Our merchants at the time would have seen with pleasure a like blockade of all the coasts, rivers, and ports, from North Point to the Rock of Gibraltar.

It remains then, Mr. Chairman, to be seen, whether the exception in the order of May, made it so objectionable as to call for war. The order, after stating the kind of trade which was not to be interrupted, has this expressson, "save and except the coast, rivers, and ports, from Ostend to the river Seine, already in a state of strict and rigorous blockade, and which are to be considered as so continued." In truth, as the mere reading of the order will show, if there is anything substantially hostile to our rights to be found in it, it is in this saving clause. With this, the order may be considered as a blockade of the coast from Ostend to the Seine, but surely not beyond that. Indeed, the Administration so well understood this, that Mr. Monroe, in his letter to Mr. Foster of the 1st of October, 1811, declares it almost in terms. "If, says (Mr. Monroe,) you will examine the order, you will find that it is strictly little more than a blockade of the coast from the Seine to Ostend. There is an express reservation in it in favor of neutrals to any part of the coast between Brest and the Seine, and between Ostend and the Elbe. Neutral Powers are permitted by it to take from their own ports every kind of produce, without distinction as to its origin, and to carry it to the Continent, under that limitation, and with the exception only of contraband of war and enemy's property, and to bring thence to their own ports in return whatever articles they think fit."

An attentive perusal of the exception will establish another fact, that the order of May, 1806, was not even a blockade of the coast from Ostend to the Seine. It merely excludes that country from the benefits which were to arise to neutrals under the order, by recognising the existence of a prior blockade, and providing for its continuance. The blockade thus kept alive, is that of the 9th of August, 1804. "At the entrance of the ports of Fecamp, St. Vallery en Caux, Dieppe, Treport, the Somme, Naples, Boulogne, Calais, Gravelines, Dunkirk, Nieuport, and Ostend." And of this blockade we hear of no complaint, either as to its extent, or the want of ability to enforce it.

Will gentlemen now say, what has never yet been pretended, that, from the extent of coast, the British could not, or did not, enforce the blockade? We may ask them to look at the order, and then say whether it contains a fair enumeration of the principal ports or points. If so, and I think I may venture to say it does, had not the British at the time a sufficient naval force to blockade eleven or twelve places in their own seas, and almost in sight of their own coasts? If this is admitted, and I presume no one will undertake to question it, are we not certain, from our knowledge of the history of the times, that such force was applied? Do we not know that Bonaparte not only threatened an invasion of England at the time, but had a powerful army encamped for the purpose on this very coast? And do we yet doubt whether, under such circumstances, the British had not a naval force on the French coast, and before these places, sufficiently strong to enforce the blockade?

There is still one other circumstance in relation to the order of May, 1806, which is worthy of notice, and that is, that it was an act of the Fox Administration. To those who have attended to the history of that great man, it is well known that Charles James Fox was, at every period of his life, and in all circumstances, the open and the sincere friend of this country. When we were colonies of Great Britain, we had his exertions, and after our independence, his wishes, in our favor. To the last moment of his life, he felt interested in our prosperity. It was indeed, if we are to believe Monroe, his ruling passion, strong in death. And yet we are now called on to say, that, under the guise of friendship, he not only cotemplated a vital blow at our neutral rights, but actually did the deed. We are now willing, in the face of the world, to declare that this great champion of neutral rights, and American interests, was the author and founder of a system which not only made just and proper the French decrees, but which called for war on the part of this nation. Sir, it is not

doing justice to the memory of the man, or his intentions towards us, to say so.

Thus far, Mr. Chairman, I have ventured on the face of the order itself; but to make assurance doubly sure, I will now place before you the opinions of the very persons who recommended war on account of the blockade. These opinions, given at different times, will prove most satisfactorily that as long as the order of blockade of May, 1806, had a practical effect and operation, while it still had substance as well as form, it was not only not viewed by the Administration as violating our neutral rights, but was received as a benefit to this country, and a relaxation on the part of Great Britain.

The order, it will be recollected, bears date the 16th of May, and it was communicated by Mr. Monroe, then our Minister at London, to Mr. Madison, then Secretary of State, by a letter dated the 17th. In this leter Mr. Monroe says, "early this morning I received from Mr. Fox a 'note, a copy of which is enclosed, which you will 'perceive embraces explicitly a principal subject 'depending between our Governments, though in 'rather a singular mode." The note is couched in terms of restraint, and professes to extend the blockade further than was heretofore done; nevertheless, it takes it from many ports already blockaded; indeed, from all east of Ostend and west of the Seine, except in articles contraband of war and enemy's property, which are seizable without a blockade. And in like form of exception, considering every enemy as one Power, it admits the trade of neutrals within the same limit to be free in the productions of enemy's colonies in every, but the direct, route between the colony and the parent country. "It cannot be doubted 'that the note was drawn by the Government in 'reference to the question, and if intended by the 'Cabinet as a foundation on which Mr. Fox is 'authorized to form a treaty, and obtained by him 'for that purpose, it must be viewed in a very 'favorable light."

On the 20th of May, Mr. Monroe again writes to this Government, and speaking of the order, he says, "from what I could collect, I have been 'strengthened in the opinion, which I communi-'cated to you in my last, that Mr. Fox's note of 'the 15th was drawn with a view to a principal 'question with the United States—I mean that 'of the trade with enemies' colonies." In a letter of the 9th of June, after detailing a conversation with Mr. Fox, in part, relating to the order, Mr. Monroe declares, "I concluded however from this 'conversation, as I had done from what had oc-'curred before, that this measure had been taken 'to prevent the further seizure and condemnation 'of our vessels on the principle in discussion be-'tween our Governments"—"several circum-'stances, independent of those alluded to, sup-'port this idea. It is not necessary to state them, 'because I trust the business will ere long be 'placed on a much more solid footing."

Here, then, we have a full expression of the opinion of Mr. Monroe at the time, and formed, as it would seem, with all due caution. But it may be said, that he was too credulous on this occasion; that he was deceived by the British Ministry, and that he afterwards discovered and renounced his error. Hear what he says in his new capacity of Secretary of State, to Mr. Foster, in his letter already referred to, of the 1st of October, 1811. After remarking on the order of May, 1806, that it was strictly little more than a blockade of the coast from the Seine to Ostend, he observes, "why then did the British Govern-'ment institute a blockade, which, with respect 'to neutrals, was not rigorous as to the greater 'part of the coast comprised in it? If you will 'look to the state of things which then existed 'between the United States and Great Britain, 'you will find the answer: a controversy had 'taken place between our Governments on a dif-'ferent topic, which was still depending. The 'British Government had interfered with the 'trade between France and her allies in the pro-'duce of their colonies. The just claim of the 'United States was then a subject of negotiation, 'and your Government professing its willingness 'to make a satisfactory arrangement of it, issued 'the order which allowed the trade, without 'making any concession as to the principle, re-'serving that for adjustment by treaty. It was 'in this light that I viewed, and in this sense that 'I represented, that order to my Government."

This gentleman has, in this case at least, the merit of consistency. His opinion of the order in 1806, as negotiator, was not changed, when, in 1811, as Secretary of State, he was in possession of the views, the wishes, and the information of the Executive Government. It is possible, however, though certainly not very probable, that he may be mistaken on this subject, and if he is, we will surely find the mistake exposed and corrected by the Committee of Foreign Relations. Permit me, sir, to read to you the part of their "report, or manifesto," which contains their opinion of the order. "Your committee think it just to re-'mark, that this act of the British Government 'does not appear to have been adopted in the sense 'in which it has been since construed. On con-'sideration of all the circumstances attending the 'measure, and particularly the character of the 'distinguished statesman who announced it, we 'are persuaded that it was conceived in a spirit of 'conciliation, and intended to lead to an accom-'modation of all differences between the United 'States and Great Britain."

Notwithstanding this broad apology, if not justification, of the order, the committee deemed it a just cause of war; and why, Mr. Chairman? Because "it has been made by his successors a pretext for that vast system of usurpation, which has so long oppressed and harassed our commerce." Indeed! and are we to commence and carry on an offensive war, on account of the order of blockade, not for its own demerit, but because it was made a pretext for another system? But where do gentlemen learn that the order of May, 1806, was made a pretext for the Orders in Council? Certainly they do not find it in the orders themselves, nor in the attempted justification of

them by the British Government. Heretofore I had understood, that the pretext for the Orders in Council, were the French decrees, and the war on British commerce commenced by those decrees.

But, not to detain you longer on this subject, let me say, that as it appears the order of May, 1806, was adopted to benefit and not to injure our commerce; as it was so understood by this Government at the time and up to the moment when war was declared; as it was really without any possible operation, good or bad, when war was resolved on, it follows that it was not a just cause of war.

If, however, the blockade of May, 1806, was a just cause of war in June 1812, is it so now? On the 29th of June, Lord Castlereagh informed our agent in England, what we indeed already knew, that in point of fact this blockade had been discontinued for a considerable length of time, and that there was no intention of recurring to it without a new notice to neutrals in the usual forms; and we have the authority of the Administration for saying, that they are satisfied on this point. The order has therefore fairly sunk beneath the horizon. It is emphatically no longer a cause of controversy or of war.

One word more on the subject of blockades, and I have done with them. The President, on the 6th of July last, sent to this House a report of the Secretary of State, Mr. Monroe, of the captures made by the belligerents during the present European war, and of the edicts bearing upon neutral commerce. In the enumeration of edicts, we have the British blockade of the Canal of Corfu, of the 18th of August, 1810, which he says "in effect was an attempt to blockade the whole Adriatic Sea." An attempt thus to close a sea upon neutrals, was certainly a novel, and most injurious, application of the right of blockade. The case was cited to us, as explanatory of the hostile views and practices of Great Britain, as a practical commentary on the Executive text, relative to British blockades. But what will you say, sir, when you find from papers on your table, which have been sent from the office of State, that the Secretary has either mistaken or misstated the extent of this blockade? Such in truth is the fact. Mr. Pinkney, in his letter of the 24th of August, 1810, transmitting the notification of the blockade, intimates that it is a blockade of the Adriatic; but in that of the 7th of September following, he declares to the Government, that this construction appears to be erroneous, and that "the canal to which the notification is now understood to apply, is the narrow passage to the eastward of Corfu." This blockade therefore of an entire sea, dwindles down to that of the strait, between the Island of Corfu and the Grecian shore. Reflections will urge themselves on the mind, on a statement so manifestly untrue; but I pass them over.

The British Orders in Council.—After mentioning blockades, the President, in his war Message of June last, brings to view the next great subject of complaint, the Orders in Council. "Not content with these occasional expedients for laying waste our neutral trade, the Cabinet of Great Britain resorted at length to the sweeping system of blockades, under the name of Orders in Council; which has been moulded and managed as might best suit its political views, its commercial jealousies, or the avidity of British cruisers."

The Committee of Foreign Relations, in this, as in the case of blockades, make particular what was left general by the Executive; and they have so far at least the merit of making out to the nation, and to the world, the actual causes of the war. The Order in Council of January, 1807, the first of the series, is mentioned as a matter of history; but as this had passed away, the committee place the grievance of the nation on the order of November, 1807. "We proceed to bring into view the British Order in Council of November 11, 1807, which superseded every other order, and consummated that system of hostility on the commerce of the United States, which has been since so steadily pursued. By this order, all France, and her allies, and every country at war with Great Britain, or with which she was not at war, from which the British flag was excluded, and all the colonies of her enemies, were subjected to the same restrictions as if they were actually blockaded, in the most strict and rigorous manner; and all trade, in articles the produce and manufacture of the said countries and colonies, and the vessels engaged in it, were subjected to capture and condemnation as lawful prize." "It would be superfluous in your committee to state, that by this order the British Government declared direct and positive war against the United States."

This order is certainly extensive in its terms and operation, and gave strong grounds of complaint to neutral nations. But there was one objection to making it a substantive cause of war in 1812, and that is, that it really had not then a legal existence. Yes, sir, strange as it may seem, we were called upon to declare war, and did declare war, for a thing which rested only in history. The British Order in Council of the 26th of April, 1809, after reciting the order of 1807, expressly revokes it, and then declares "that all the ports and places as far north as the river Ems, inclusively, under the Government of France, together with the colonies, plantations, and settlements, in the possession of those Governments, respectively, and all ports and places in the notrhern parts of Italy, to be reckoned from the ports of Orbitello and Pesaro, inclusively," shall continue subject to the restrictions of blockade, "and every vessel trading from and to the said countries or colonies, plantations or settlements, together with all goods and merchandise on board, shall be condemned as prize to the captors."

It may be said, and to a certain extent it is certainly true, that the orders of November, 1807, and of April 1809, are similar in principle: but it cannot be pretended that they are equally obnoxious in their effects. It is truly stated in the report, that the order of November, 1807, inter-

dicted the trade of neutrals to France, to the allies of France, to countries at war with England, and to countries from which the British flag was excluded. The order of April, 1809, applies only to the trade with France, with Holland as far as the Ems, and with a small part of the north of Italy. Again, the order of November, 1807, prohibits all trade in articles the produce or manufacture of the interdicted countries. Nothing of this is found in the order of April, 1809. In truth, the British order existing when we declared war, though a great let and hinderance to us, did not justify the conclusion drawn by the committee, that the British Government had completely usurped the dominion of the ocean, and forbid all trade. A wide spread of commerce was left untouched by British regulations, or orders; and if we credit the Administration, that which was interdicted, was neither inviting to our merchants, nor desirable for the country.

Thus standing the charge against Great Britain, I will now, as in the case of blockades, examine whether the Order in Council of April, 1809, was a reasonable cause of war, and if it remain so?

War, being one of the severest calamities that ever scourged human kind; carrying in its train every vice, and laying a foundation for the commission of every crime; it follows, that the nation which commences it should act but from necessity. If just to itself, it should not only be certain that its opponent is clearly wrong, but also that it is clearly right. Again, the agents in the Government having the power to make war, are not true to their trust, if, in addition to the cause of war, they do not look to the consequences and effects of it. If an evil exists, it ought to be certain that war will be a remedy for it, and that the good to be acquired will more than balance the injuries to result from the war.

In examining, therefore, this, and the other avowed causes of the war, whether they were, or are just and reasonable, I wish to be distinctly understood as settling the case with this people and nation. If there is a wrong done to them by the Orders in Council, before, as their agent, I will consent to carry on a war for this cause, I must be satisfied that the wrong in practice is of sufficient magnitude to justify war; that the war is to afford a remedy for the evil, and that the remedy is not worse than the disease. A paper blockade of the Island of Tristan d'Acunha, or an Order in Council prohibiting a commercial intercourse with that august Sovereign, Jonathan Lambert, and his four subjects, however much in principle it may interfere with our rights, will never gain my consent to a war either with Great Britain or France.

In considering this cause of war, we are necessarily led to view the Orders in Council, in connexion with the French decrees. Taken separately, and without regard to the causes which led to them, or the reasons alleged by each nation for their continuance, the French decrees and the British orders are undoubted causes of war. Both nations, however, sought for a justification in the conduct of their adversary, and the submission of neutrals. It is not, perhaps, material to ascertain which was the first aggressor, in this novel system of warfare; but if it was, and I have justly explained the blockading order of May, 1806, or if that order was fairly understood by Mr. Monroe, and by the Committee of Foreign Relations, it would seem to follow that France took the first step in this war on our rights and interests.

Be that as it may, this Government has, by its embargo and non-intercourse laws, and the offers made to the belligerents under them, considered both so much in the wrong as to refuse to select either for an enemy in exclusion of the other, while the obnoxious acts of both remained. This, sir, necessarily leads to an examination whether the French decrees were revoked when we were called upon to declare war against Great Britain. I speak the settled and firm conviction of my own mind when I say they were not.

I have, on a former occasion, attempted to show that the President was not authorized to issue his proclamation of the 2d of November, 1810, and that Congress ought not to have passed the non-importation law of the 2d of March, 1811, the two acts which were the precursors of this war, because the note of the Duke of Cadore of the 5th of August, 1810, was not, and was not intended to be, a repeal of the French decrees. Without meaning to repeat what was then urged, I will briefly examine the practices of the French cruisers, the decisions of the French courts, and the declarations of the French Government, in relation to the decrees, since the pretended revocation.

Mr. Chairman, it is not my intention to bring into this discussion the decrees of Bayonne and Rambouillet, which more than volumes speak the disposition of the French ruler towards us; and which at one time appeared to have made a deep and lasting impression on the Administration. I cannot but recollect the declaration of Secretary Smith, in his address to the people, that "on the 20th of February, 1811, the French 'Government did officially, and formally, through 'their Minister, Mr. Serrurier, communicate to 'this Government their fixed determination, not 'to restore the property that had been so seized." And when I do recollect this, and bring to mind also that the information was not given to the National Legislature, before the passage of the non-intercourse law, and has never yet been laid before us by the Executive, I dare not trust myself to speak of it.

Neither, sir, is it my intention, in any manner, to bring into question the motives of the President in issuing his proclamation, or of the members of this and the other branch of the Legislature who voted for the non-intercourse law. I am willing to believe that the Executive, when he issued the proclamation, and Congress, when it passed that law, which was in effect to validate the proclamation, acted under the impression that the French decrees were revoked: but I must believe also that in this instance they were deceived by

the arts and cunning of the French Government. Having been an actor in the scenes which preceded the non-importation law, I cannot, however, when I view them with the light since afforded by the gentleman who was at the head of the Department of State, acquit the President of all blame. Mr. Smith, in his address, states some things which we all know to be true. We know that much doubt existed in this House and nation with respect to the effect of the French note, and the intention of the French Government: and we know also that the non-importation law was delayed on account of the arrival of the new French Minister, who, it was confidently expected, would be able to dispel our doubts. Sir, the Minister came, and we received no information. How this happened has been explained by Mr. Smith. He had a conference with Mr. Serrurier, and prepared a note, in order to obtain his formal answer, among other things, to the question, whether the decrees had been revoked, and what explanation he was authorized to give on the subject. Let Mr. Smith inform you how this was received by the President. "But waiting on the President with it (the note, 'and on the 20th of February,) and after having 'reported to him verbally the result of the con-'ference, I was, to my astonishment, told by him 'that it would not be expedient to send to Mr. Ser-'rurier any such note. His deportment through-'out this interview evinced a high degree of dis-'quietude, which occasionally betrayed him into 'fretful expressions."

As to the practices of the French cruisers, we have it in the history of the times. From accounts not contradicted, and which cannot with truth be contradicted, we know that the French armed vessels, public as well as private, and in every sea, continued their aggressions on our commerce, under the principles of the decrees, notwithstanding the pretended revocation. When told of the revocation, their answer was a smile of contempt for our credulity. But without resorting to report and general history, we have a document from the State Department which establishes these depredations; I mean the report of captures laid on our table on the 6th of July last. In this we have given to us a list of forty-five captures, made by the French, since the 2d of November, 1810; of the vessels thus taken, eight are expressly said to have been burnt or sunk at sea by a French squadron. The papers relative to the French burning, went to the Department through this House, and we know that, in some instances, the certificate of the French commander accompanied the representations, proving that he acted under orders issued after the 2d of November.

This report of captures I am sorry, sir, to have it to remark, does not comprehend all the cases of French depredations on our commerce, after the date of the proclamation of November. As it was made up from communications by individuals, this was in some measure to have been expected; but it was not to be expected that any cases known in the Office of State would have been omitted; and yet so is the fact. Among the papers which accompanied the President's Message of the last session, is a list from our agent in France, of American vessels taken by French privateers since the 1st of November, 1810, and carried into the ports of France. In it we have with others the Robinson Ova, the Neptune, the Two Brothers, and the Zebra, not one of which is mentioned in the report. Added to this, we know the protests and papers, which went from this House, proved that the French squadron destroyed nearly thirty American vessels instead of eight, as represented by the report.

As to the decisions of the French prize courts: It will be recollected that Mr. Russell, in his letter to the Secretary of State, of the 8th of May, 1811, says, "it may not be improper to remark, that no American vessel, captured since the 1st of November, has yet been released, or had a trial." It is not necessary, therefore, to go further back. In the Message of April 23d, 1812, relative to captures of vessels in the Baltic Sea, we have from our agent, Mr. Warden, three cases of condemnation by the Council of Prizes at Paris, on the 10th December, 1811; the captures having been made in 1811. The ship Julian, with her cargo, was declared good prize, because, among other reasons, "that she was visited by several English war vessels;" and the ship Hercules, because "that it was impossible she was not visited by the enemy's ships of war, in approaching the Isle of Anholt." In all the determinations of the French courts, as far as we have any knowledge of them, the principles of the Berlin and Milan decrees have been recognised and enforced.

As to the acts and declarations of the French Government: It has been more than once urged, that the admission of some of our vessels into France was a proof of the revocation of the decrees; and yet, sir, Mr. Russell, in his letter of May, which I have just mentioned, declares that the vessels whose entry had been allowed, had come direct from the United States, without having done or submitted to any known act which would have subjected them to the operation of the decrees. How then, sir, can such admission be evidence of the revocation? And how does it happen that the admission, if there was a revocation, was to proceed from the Emperor?

In the answer of the French Emperor to the deputies from Hamburg and Bremen, we find him, on the 20th of March, 1811, saying that "the decrees of Berlin and Milan are the funda-'mental laws of my Empire; they cease only to 'have effect as to those nations which defend their 'sovereignty and maintain the religion of their 'flag." And what, I pray you, sir, does His Majesty mean by this religion of the flag? It is, that the flag, if it does not give character to, shall protect the property under it. It is, that the passengers on board the vessel shall be considered as on neutral territory, and not be subject to capture. Have we really consented to maintain this religion of our flag. And if we have not, is it

not certain that the decrees remained in operation against us? Again, his Imperial Majesty addressed his Council of Commerce on the 31st March, 1811, when he told them, and told us, that "the decrees of Berlin and Milan are the fundamental laws of my Empire. For the neutral navigation, I consider the flag as an extension of territory. The Power which suffers its flag to be violated, cannot be considered as neutral. The fate of American commerce will soon be decided. I will favor it, if the United States conform themselves to these decrees. In the contrary case, their vessels will be driven from my Empire." His Majesty, then, had not come to a determination about our commerce in March, 1811. Its fate still depended on his good pleasure. He was willing not to apply the decrees to us, in case we adopted them ourselves, and joined him in the war he was waging for the freedom of the seas.

If, sir, any doubt on this subject remained, it must now be at an end. The French decrees, with the date of the 28th of April, 1811, but actually made in 1812, and communicated by our agent to the English Government on the 20th of last May, will forever settle this question. By this paper the decrees of Berlin and Milan are "definitively" declared as not existing in regard to our vessels. And why? Because they were repealed in August, 1810? Not so, but because our law of March, 1811, was a formal refusal to adhere to a system, invading the independence of neutral Powers, and of their flag. To the friends of the liberty, the prosperity, and the reputation, of the country, it cannot but be a source of melancholy reflection to find our Executive Government insisting on the revocation of the French decrees, and recommending for such revocation a non-intercourse and a war with England; when in every act of the French Government, its courts, and its fleets, a direct negative is to be found to such revocation.

When, however, Mr. Chairman, the declarations of the French ruler, and the seizure, and condemnation, and destruction of our property, have been cited in proof of the existence of the French decrees, a distinction by way of apology has been made between the internal and external application of them; we have been told that they existed against us merely as municipal regulations. What, municipal regulations to authorize and to justify the captures and the burnings on the Atlantic, and the captures and the condemnations on the Baltic! We shall look in vain for such a distinction, as coming from our good friend, Napoleon the Just. He makes none such. He has not yet descended thus to trifle on this subject.

But what are the municipal regulations to which we are so willing to submit? They are, according to the Milan decree, that every vessel which shall submit to be searched by an English ship, or that sails from or to an English port, or from or to their colonies occupied by their troops; and, according to the Berlin decree, all merchandise coming from English manufacturies and colonies, is lawful prize. These regulations are to remain as long as England continues to deny the inviolability of the flag; or, in other words, shall deny that the flag of a neutral shall protect the property of an enemy.

Do we wish to know in what country these municipal regulations are to operate? The French note on the breaking out of the war with Russia will give us some information on this head. The Duke of Bassano, the French Minister of Foreign Relations, on the 25th of April, 1812, addresses a paper to Count Romanzow, Chancellor of Russia, from which I will give you one or two extracts: "Count—His Majesty the Emperor of Russia, had acknowledged at Tilsit the principle, that the present generation should not have looked to the enjoyment of happiness, but on the ground that the nations in the full enjoyment of their rights, might give themselves up freely to the exercise of their industry; that the independence of their flag was a right belonging to them, and its protection a reciprocal duty of the one towards the other; that they were not less bound to protect the inviolability of their flag, than that of their territory; that if a Power cannot, without ceasing to be neuter, allow its territory to be taken away by one of the belligerent Powers, so neither can it remain neuter in permitting to be taken from under the protection of its flag, by one of the belligerent Powers, the property which the other has placed there: that all Powers consequently have the right of exacting, that nations pretending neutrality, should cause their flag to be respected in the same manner as they enforce respect to their territory; that so long as England, persisting in this system of war, should disavow the independence of any flag upon the seas, no Power which is possessed of coast, can be neuter with respect to England." "The Emperor Alexander offered his mediation to the English Government, and engaged, if this Government would not consent to conclude peace upon the principle of acknowledging that the flags of all Powers should enjoy an equal and perfect independence upon the seas, to make common cause with France, to summon in concert with her the three Courts of Copenhagen, Stockholm, and Lisbon, to close their ports against the English, to declare war against England, and to insist upon the adoption of the same measures by the various Powers." "Sweden had refused to shut her ports against England; and Russia, in conformity to the stipulations of Tilsit, had declared war against her." The great complaint against Russia, and the principal cause of the present war, as collected from this paper, is the permission to bring into Russia the produce of English colonies under foreign or neutral flags.

These municipal decrees, so called by our Administration, therefore, are, or are to be, as extensive as the Continent. All nations are to protect the religion of their flags. Any nation refusing or omitting to do this, loses its neutral character, and war is to be made upon it. Are these indeed mere municipal regulations? Have we no interests in these questions; no rights to claim

or protect? The events of the last twenty years have been such as, if not to stupify, to astonish and paralyze the human mind. We lose the enormity of the conduct of the great despot of Europe in the splendor of his achievements, and success of his enterprises. How else are we to account for the indifference with which we hear of his depredations on our property, and his violations of our rights? How else does it happen, that we so carelessly receive, or make apologies for, his outrages on our people and nation?

To sum up all in a few words. The President was mistaken when he issued his fatal proclamation, and we were equally mistaken when we passed the non-intercourse law. The French decrees were not revoked. And we were called upon, by no duty to France or ourselves, to declare war against Great Britain, on account of the Orders in Council. In this point of view, it is not necessary to have reference to the diplomatic warfare of last year between our Secretary of State and the British Minister, then in this country; nor to inquire what kind of revocation was demanded by England. To all inquiries of this kind, the obvious answer is, that there was no revocation of any kind by France.

But it seems to some gentlemen that all this investigation, and indeed any investigation, on the subject, is useless. The honor and interest of the country called for this war. Sir, a well regulated sense of honor is a proud trait in the character of a nation, as well as in that of an individual; but let us not take tinsel for gold. Much has been said about submission, and the disgrace, individual and national, attending it. Is it not said, and is there not some foundation for the remark, that war with Great Britain, in the state of our relations with France, was submission to the arts, or at least the duplicity, of Bonaparte? If to maintain the chastity of our character was indeed our only object, we ought to have had all doubts removed as to the acts and intentions of the French Emperor.

Was the pretended revocation by France an act of justice to us, or at all calculated for our benefit; or was it not a mere lure to lead us on to a war with England? The depredations on the high seas were continued to the extent of French power, and our commercial intercourse with France was fettered with new duties and oppressive regulations. In the letter of instructions from the Secretary of State, Mr. Monroe, of the 26th of July, 1811, to our present Minister in France, this subject is presented in a fair point of view. After remarking that it had been expected that our trade with France would have been placed on a fair footing, he says, it appears from documents in his office, "that our commerce has been subjected to the greatest discouragement, or rather, to the most oppressive restraints." "In short, that the ordinary usages of commerce between friendly nations were abandoned." "If the ports of France and her allies are not opened to the commerce of the United States on a liberal scale, and on fair conditions, of what avail to them, it may be asked, will be the revocation of the British Orders in Council?" Sir, I have nothing to add to these observations; they are strong in character, and not more strong than just. Would to heaven I could see a correspondent spirit in the scraps and morsels which have been cast upon us, of the meagre communications of the man who was thus instructed. Nearly eighteen months have now passed since this man, who "had the most flattering things said to him from the Emperor relative to his appointment," reached France, and yet to this day we are ignorant of the great value of his labors. But if what he has done remains unknown, what he has not done is not so. The discouragements and restraints on our commerce remain as he found them.

If the British Orders in Council were a cause for declaring war, are they a cause at this time for continuing it? Sir, the Orders were revoked about the time we made the war, and though much has been said about conditions annexed to the repeal, rendering it unacceptable to this country, yet the Administration understand it differently. The President, in his Message at the commencement of this session, admits that the repeal was "susceptible of explanations meeting the views of this Government." This cause of war has therefore vanished.

Impressment of Seamen.—The injury done to our seamen under the British practice of impressment, was also made a cause of the war, and to the eye, at least, it is the only one which now remains.

Mr. Chairman, the discussion of this subject is attended with adventitious difficulties, growing out of the times and the state of the country. The public mind, in some sections of the Union, is in such a feverish state on this account, from tales oft told of bondage, worse than negro slavery, and of condemnation without trial, that the person who is willing to "hear the other party," is at once branded with foreign partialities, and threatened with the trial by mob. Besides, sir, it is intimated that a negotiation is to be had, or may possibly be attempted, which may be affected by an open discussion of the topic. In point of duty, I feel myself called upon to take some notice of the subject, but my view of it will be less perfect than in a different situation I should think desirable.

The President, in the war Message, thus introduces the subject: "British cruisers have been in 'the continued practice of violating the Ameri-'can flag on the great highway of nations, and 'of seizing and carrying off persons sailing under 'it; not in the exercise of a belligerent right, 'founded on the law of nations against an ene-'my, but of a municipal prerogative over British 'subjects." As this does not present the case in its true light, I shall, for the purpose of fairly bringing to view the conflicting claims of the two nations, give you an extract from the letter of Mr. Madison to Mr. Monroe, of the 5th of January, 1804, containing instructions for a treaty with Great Britain. "With this exception, (persons 'in the military service of an enemy) we consider

'a neutral flag on the high seas, as a safeguard to 'those sailing under it. Great Britain, on the 'contrary, asserts a right to search for and seize 'her own subjects; and under that cover, as can-'not but happen, are often seized and taken off, 'citizens of the United States, and citizens or 'subjects of other neutral countries, navigating 'the high seas, under the protection of the Amer-'ican flag."

The claim, then, on the part of the British is, that in time of war they have a right to enter neutral merchant vessels on the high seas, to search for and seize their subjects, being seamen. On our part it is, that on the high seas the flag shall cover and protect all sailing under it, whether British subjects or American citizens. These are distinctly the claims of right on the part of the two nations, and I shall so consider them, without regard to practice apart from right.

One or two remarks, sir, before I enter upon the subject. The first is, that I do not mean to moot the point, relative to the rights of our naturalized citizens, or the extent of our duties towards them. But this I will say, that I am willing to give them all the protection which the situation of the country and its true interests will justify. I know that the unruly passions and the meddling dispositions, of some foreigners, have raised prejudices in the minds of many persons against all foreigners. But I know, also, and I speak without reference to political opinions or prejudices, that among our naturalized citizens are to be found men, and many men, too, of great worth and respectability, and who are extensively useful to the country. These men have my good will, and it is certainly my wish, that they should be fostered and protected, as far as it can be done, without putting at hazard the great interests and the permanent welfare of the country. But, sir, to this class of our citizens, the claim that they are to be protected on the high seas by our flag, is really of little importance. Our claim never was, and I am sure never will be, that they are to be protected, if they put themselves within the power of their former Sovereign, by going to his ports, or placing themselves on his territories. And yet such is the state of the commerce of the world, that it can scarcely happen in a mercantile voyage, in this or the other hemisphere, that the vessel will not at some time be in a British port, and the crew on British ground; our right of flag will not then save our adopted citizens from impressment. For the slight benefit, therefore, to our naturalized citizens, which can arise under our claim, if established, I am sure the well meaning and reasonable part of them will not ask the country to continue the war on their account.

Another remark which I wish to make is, that I am most decidedly the friend, nay, sir, if you please, the partisan, of the seamen of the country. I have no doubt that this nation is destined to be a great maritime power; and that, in times not very far distant, we are to owe our prosperity, as a commercial people, and possibly, under Providence, our security, to our seamen. I am therefore a friend to "seamen's rights," properly understood and fairly enforced; but this shall not blind me to the rights of others. Besides, in a war to be carried on for seamen alone, and that, too, on the abstract question of the right of flag, I can see great danger to the seamen in their just claims to protection; and I must beg their friends, in and out of this House, to reflect before they act. As surely as the war is continued on this ground alone, so surely will seamen become unpopular, and their rights be neglected. When the evils of the war press upon the country, and press they will; when the many lives sacrificed, and the countless millions expended, shall be brought to view, is it not to be apprehended that seamen and their claims will be remembered, only as the causes of the scenes of expense and blood through which we are to pass? It is not dealing fairly with our seamen, to make them the scape-goats of this war.

The British then claim the right, in time of war, to take their seamen out of neutral merchant vessels on the high seas.

Is this claim a novel one? That the claim is novel, is certainly intimated by the Committee of Foreign Relations, when they say that the impressment of which we complain, is "a practice which has been unceasingly maintained by Great Britain in the wars to which she has been a party since our Revolution." Indeed it has been most roundly asserted, and by many it is believed, that the British claim was made for the first time after our war; that it originated in views hostile to our commerce and maritime rights; and that in practice it is only brought to bear upon us. In truth, however, whatever may be the justice of the claim, it is not a recent one. It has, in a greater or less degree, been practised on in all the wars in which England has been engaged for the two last centuries.

The instructions to armed ships are not frequently made public; but it so happens, that we have in print an instruction on this very point, given in 1646, by the Earl of Northumberland, Lord High Admiral of England, to Sir John Pennington, which goes beyond the present claim. "As 'you meet with any men of war, merchants, or 'other ships, belonging to any foreign Prince or 'State in any road where you, or any of His Ma-'jesty's fleet, may happen to come, you are to send 'to see whether there be any of His Majesty's 'subjects on board; and if any seamen, gunners, 'pilots, or marines, (whether English, Scotch, or 'Irish,) be found on board, you are to cause such 'of His Majesty's subjects to be taken forth, and 'so disposed of as they shall be forthcoming, to an-'swer their contempt of His Majesty's proclama-'tion in that kind." These instructions were modified in the reign of Charles the Second, so as to exclude public armed vessels, and with this modification they have come down to the present times. If it were at all necessary to the purposes of my argument, I might show that this right has been exercised both towards France and Holland, long before we had existence as a nation. Their vessels have been searched, and British seamen ta-

ken from them. But enough has been said to prove that that the claim, if unjust, is not novel.

Is the claim peculiar to the British? I am justified in saying, that this claim, in time of war, to search for and seize seamen in neutral merchant vessels, on the high seas, has been made and exercised by every maritime nation in Europe. To be more particular—I assert, and stand ready to prove, that it has been made and enforced by France as well as England, and is so now. It would be a waste of time to go very much at large into the French usages on this subject. I propose to do little more than to refer to one or two French ordinances, and then show from our State papers their practical application to us.

By the French laws, and they are ancient laws, the seamen of the country are all classed, and enrolled, and licensed. In 1784, an edict was made which is still in force, declaring, that any classed seaman, who shall, in time of peace, be found serving in foreign ships, shall be sentenced to fifteen days' confinement, and reduced to the lowest wages, and serve two years extraordinary at the lowest rate; but those who, in time of war, shall be arrested in foreign ships, or passing into foreign countries, shall be sentenced to three years service in the galleys. Under the authority of this, and similar ordinances, the French have taken their seamen out of our vessels, and in some instances our seamen with them.

Mr. Chairman, the first proof relative to the French practice which I shall lay before the Committee, is the impressment document of January last, known to the American people as the 6,057 document. The Secretary of State, Mr. Monroe, at the close of the introductory report, says, "it 'is equally impossible, from the want of precise 'returns, to make an accurate report of the names 'or number of *citizens of the United States, who* 'have been compelled to enter into the French ser-'vice, or are held in captivity under the authority 'of that Government, whether taken from vessels 'captured on the high seas, or seized in rivers, ports, 'or harbors; the names of a few only, greatly be-'low the number believed to be so detained, being 'within the knowledge of this Department. A 'detail therefore is not attempted, with respect to 'this part of the call of the House of Representa-'tives." Yes, sir, it is known to the Administration, that some of our citizens have been compelled to enter into the service of the French Emperor, while others are held in captivity by him. Ask, however, for their names, and you have for answer, that all the persons detained are not known to the Government, and therefore it cannot be material that you should have the names of any. Say to gentlemen, here is a case of American rights violated, and you will be told, that the injury, in practice, is not of sufficient importance to justify strong measures against the French Government. Be it so. But attempt to prove to the same gentlemen, that the practical operation of British blockades and Orders in Council, is not such as to require war, you will then hear, that it is necessary to fight about the principle.

I have one other paper to lay before the Committee, on this subject. For some years back, the information about French impressments has been general and vague, or altogether withheld. Formerly this was otherwise. In a report respecting the impressment of seamen in 1797, made by the Secretary of State to this House, on the 27th of February, 1798, we have the names of upwards of twenty American citizens, taken out of American vessels, on the high seas, by French privateers. We have more, sir. This same report states, that two French seamen named Lewis had been impressed from on board the American ship Bryseis, by a French Commodore's ship; that Francis Gibbons, a native of France, but married and resident at New London, in Connecticut, was impressed from the American ship Edward, at Rochefort, by authority of the French Republic, and put on board a French ship of war; and that Henry Doughty, an American, was impressed at sea, from the American brig Elsa, by the French frigates Lapancy and Thetis. I could instance other cases, but these are sufficient to show, that neither the claim nor the exercise of it is peculiar to the British.

It is a claim altogether unsupported by reason. As I understand the nations who contend for this right to seize their seamen, it is founded on the principle of national law, which gives to every Government a right to the service of its subjects in time of war. I meddle not, sir, with the question, who is or who is not a subject; but as long as a person is a subject, and owes allegiance, and may demand protection, so long has the community a claim on him, when the country is in distress or danger. And this, not by any municipal regulation, properly so called, but by general law. It is a right necessarily growing out of a state of society.

If this is a right, then there must be a remedy also. To allow that a Sovereign has a claim to the services of his subject, is necessarily to admit, that he has power in some way to enforce such claim. As to sailors, the right is a dead letter, unless search and seizure on board neutral merchantmen is allowed. In every war, if the principle is established, that the flag shall protect all sailing under it, seamen would be drawn from the country and its service into neutral employ. High wages, with security against the hazards and dangers of war, would overbalance considerations of general duty. Let it be known to the seamen of England or of France, that they may safely sail under the American flag during the existing war, and my word for it, they will come to you, to the extent of your ability to employ them.

In the case of a national ship, the seaman enters under the Government; and it is therefore fair to presume, and ought to be presumed, that there is no violation of right, or breach of duty. If a seaman of a belligerent, or a deserter, is employed, the comity of nations, and the respect due to Governments, make a request for a discharge or delivery necessary. But in this case, if the demand is refused, a national right is violated, and it becomes a legitimate cause of war. Not so with a

merchant vessel. The Sovereign is not concerned with the crew or the voyage. No duty exists not to employ foreigners. If the commander refuses to surrender any one of his crew, although he is the subject of the demanding nation, and even a deserter, the Government is not concerned. The refusal is no cause of war. Seizure is therefore the only remedy. It is, sir, unnecessary to view the subject in all its bearings; what has been said was intended merely to show that there are some grounds for the claim.

Is it our real interest to oppose this claim?—in other words, would it be a substantial and permanent benefit to this country, to establish the principle, that the flag should in all cases cover and protect the person? To question this, may seem strange to gentlemen; and yet, sir, after much reflection, I have almost brought myself to believe, that it would neither comport with the interest of our own seamen, nor with that of the nation, to have the right of flag, as we are made to contend for it, inserted in the law of nations.

The recent French doctrine, that the flag shall cover the property, to whomsoever it may belong, like this, that the flag shall protect the person, had at one time many advocates in this country, and there are not wanting some, even at this day, who think it altogether favorable to us. Yet, sir, our experience is sufficient to satisfy any practical man, that it is our interest to adhere to the old rule on this subject. In peace it has been the horn of plenty, which has poured riches into the country. When the French colonists could no longer cover their property by neutral flags, they were driven in consequence to sell to our merchants. All the profits on the European sale, and it was certainly great, became ours, and the ship-owners had the advantages of a double freight, as the merchant was enabled to fill the vessel in, as well as out. If the colonists could have sent their property home without danger of capture, they would have done it. The profit to the merchant would have been lost, and the ship-owner would have had an outward freight only.

In war, sir, we find the old doctrine equally necessary to us. If Great Britain is vulnerable to us, it is essentially in her commerce with her colonies and allies in this hemisphere, which passing by our door, is thrown in our way. But if the flag is to give a character to the property, all she has to do, is to borrow a Spanish or Portuguese vessel, and her commerce is placed beyond our grasp or power. We are too apt to form general conclusions from individual cases, and to suffer our judgment to be misled by fine speculations, which favor our wishes. This religion of the flag, has many charms for those who will not suffer themselves to think of consequences; when, however, it is viewed with the lights of experience, the charm vanishes. We then see the advantage and necessity of old rules, and are willing to be regulated by them. I have said, sir, the right of flag does not appear calculated to promote the real interests of our own seamen. The interest of the sailor is to have good wages, and constant employment; and he is sure with us to have both the one and the other, if foreign seamen do not interfere with him. If foreigners are admitted to be covered and protected by our flag, it must follow, from the low wages in Great Britain, and the liability to impressment, that English sailors will come in shoals to this country. They will by this competition lessen the wages of our native sailors, if they do not absolutely drive them from the ocean, for want of employment.

Mr. Chairman, it may seem absurd to say, that the security of the great body of our seamen has been found in the British practice of impressment, with all its evils; and yet there is some foundation for such an opinion. Our own regulations place all seamen, native and foreign, on the same footing, and allow them equal privileges. Is it not then fair to infer, that, but for the danger of being impressed by their own nation, we should have been overrun by British sailors, to the great injury of our own sailors? In truth, sir, in principle, the operation of the British claim is favorable to American seamen. All they require is, a regulation of the practice, so as to furnish them with a reasonable security against impressment.

In a national point of view, the right claimed by the European maritime nations, appears all-important to this country; and I venture to predict, that those who witness the close of the next half century, will see us practising on this very claim, and, if necessary, fighting for it. There can be no doubt, sir, that we are to be a great maritime Power, as we are already a great commercial nation. Indeed, to continue the latter, we must become the former. Our future wars will be maritime wars. The business of the Canadas and the Floridas, according to the common course of events, will settle itself, and if we meet a foe, it must be on the ocean.

To carry on a maritime war, we must have ships; but ships without seamen to navigate and fight them, will be useless. It will, therefore, be absolutely necessary to settle on some principle which will give us as much command over our seamen, on their element, as we have over our landsmen on shore. Without meaning to intimate that we will or ought to resort to the European practice of impressment, yet, when we seriously determine on having a navy, we shall find it necessary to look to some regulation which will bring our sailors within the country, in every war, so as to make it their interest to go into our service. We shall have no means to prevent their accepting the bribes of neutrals, high wages, and safe employment, but by seizing them, when found sailing under neutral flags, after they shall be recalled.

If, sir, there is anything in this course of reflection, (and I do think there is,) then, so far from being bound in duty to the nation or to our seamen, to continue the war with Great Britain on the abstract question of right, we are ourselves interested in preserving the very right claimed by that nation. What we have to contend for, is, in reality, that the practice by the British, and all other nations, should be so regulated as to afford to our seamen a reasonable degree of security;

for, as to perfect and absolute security, their habits, and the nature and scene of their employment, render that impossible. Their service will of course bring them, and that frequently, within the British territories, where our doctrine of the religion of the flag will not protect them. In point of fact, a considerable number of the impressments reported to us took place on British ground, and not on the high seas.

If this right, or claim of right, however, is made a mere pretext by any nation to seize and detain our seamen, I am willing to allow that it would be a cause of war. But, even in this case, war ought not to be waged until we have done our duty to our seamen and the offending nation, by making suitable regulations to prevent the employment of the seamen of such nation. Have we done this, as respects Great Britain? Perhaps some such regulation is to be found in the law which defines what vessel is an American vessel, and which, as such, is entitled to hoist our flag. Look at it, sir. According to the act of December, 1792, an American ship is one wholly owned by an American citizen, and commanded by a person also a citizen. The crew may be all foreigners—all Englishmen, if you please—all English deserters. In this, therefore, we find no security to the British Government.

But, we have also the law of May, 1796, which provides, that the collectors may register seamen calling themselves American, and grant certificates of citizenship. Out of this law, it is presumed, has grown the practice of granting protections, as they are called—papers procured from notaries and magistrates, ofttimes on the most barefaced perjuries, and always considered as a species of negotiable property for value received. Sir, these protections, in their abuse, are a scandal to the nation. It has made false swearing an employment, and the granting of false papers a business. The price of such a paper is as well known in the great seaport towns as is that of your stocks. All ages and complexions and tongues may have this badge of citizenship, by paying the charges in such cases provided. If this, however, was not so; if protections were only granted to real Americans; it is difficult to see how this is to prevent the employment of British sailors. It is not necessary that the persons navigating an American vessel should have them.

This act of ours was presented to the British Government, by Mr King, in January, 1797, and Lord Grenville, on the 27th of March following, in a manner highly conciliatory, and certainly with much force, stated specific objections to the law. The Executive, when, in July last, he answered the call of the Senate, for papers relative to impressments, omitted this letter of Lord Grenville, but he gives a letter from the then Secretary of State, to our Minister at the British Court, of the third of October, 1797, in which the force of the objections seems to be admitted. "Lord Grenville's observations on the act of 'Congress for the relief and protection of Amer-'ican seamen, present difficulties which demand 'consideration at the ensuing session." Nothing was, however, done at that or any future session. In truth, we have done nothing to prevent the employment of British seamen in our public or private ships; and they are to be found in both. And yet, with this fact staring us in the face, we are called upon to say that the war is altogether just on our part!

It will probably be urged that the British practice under this claim, in its application to us, was sufficient to prove that the reclamation of their seamen was not so much the object of the British Government, as the seizure of our seafaring citizens; that it had become so outrageous as not only to justify, but to require war. Without, sir, meaning to excuse or to palliate the taking even the cabin boy, if done knowingly and wittingly; and being willing to admit, that about the period of the attack on the Chesapeake, we had much and serious cause to complain on the subject, I must be permitted to say that I have not evidence to satisfy me, that when we declared war, the practice of the British was such as to prove that the claim on their part was a mere pretext to take our sailors. In truth, I believe, if the Administration have not deceived themselves on this subject, that they have attempted a gross deception on the public.

The instructions given at this day, by the British Admiralty to a naval commander, on this subject, directs him, "when he meets with any 'foreign ship or vessel, to send a lieutenant to in-'quire whether there may be on board of her any 'seamen who are the subjects of His Majesty; 'and if there be to demand them, provided it does 'not distress the ship: he is to demand their 'wages up to the day; but he is to do this with-'out detaining the vessel longer than shall be 'necessary, or offering any violence to, or in any 'way ill-treating the master or his crew." Mr. Monroe may perhaps recognise in this, the instructions shown to him after his arrangement, and of which he declared himself satisfied; but whether he does or not, it must be conceded that it provides for a moderate exercise of the right. The person who is to make the search is an officer of some standing; he is only to take seamen who are British subjects, excluding thereby, not merely our citizens, but all foreigners; and he is not to take even British seamen, if, by it, he destroys the crew, or endangers the vessel. Allowing the right to exist, it is difficult more fairly to regulate its exercise.

But it may be urged that the practice of the British commanders does not correspond with these instructions; that they search and seize at large, according to their will and pleasure. I know, sir, that the habits and education of a military man, not unfrequently make him act as if power and right meant the same thing: and I, therefore, have no doubt that there have been abuses. But I do most conscientiously believe that these abuses have been greatly magnified, and are, even by the well meaning, vastly overrated. I am aware that I shall be referred to the impressment document of last session. This document, sir, is so illy understood, and has been

the source of so much misrepresentation, that I must be allowed slightly to review it.

The Secretary, in the report says, that the list transmitted had been received from our agent at London, and "contains the names of American 'seamen and citizens who have been impressed 'and held in bondage in His Britannic Majesty's 'ships of war, for the several quarters of 1809 and '1810." The list is headed, "A return or list of 'American seamen and citizens who have been 'impressed and held on board of His Britannic 'Majesty's ships of war, from 1st of April to the '30th of June, inclusively," and so of the other quarters. Now the plain meaning of this is, if any meaning it has, that the persons whose names were thus sent to us were impressed and made to serve on board British armed ships, at some period in the years 1809 and 1810. Indeed, this has been so stated in this House, and in the Administration prints. And yet the most superficial examination will show that this is not true. Let me read to you one or two names: "4868. David Wiley." In the column of the "result of applications and remarks," we have this explanation of his case: "Impressed on shore at New Bruns-'wick, and taken on board the Plumper, was 'detained two days, when the commander put 'him on board a vessel bound to Aberdeen, from 'thence worked his passage to London, and ap-'peared at this office 29th August, 1805; is evi-'dently an American. Discharged." Here, then, we have a man who was not on board a British ship in 1809, and whose "bondage" did not probably continue more than two days.

Again, "4936. Richard Butler, representing 'himself of Petersburg, Pennsylvania. Impress-'ed in 1797 at the Cape of Good Hope, from the 'Mercury of Baltimore, and detained on board 'the Garland." Remark. "Remained on board 'the Garland two months, then draughted to the 'Tremendous, in which he served two and a half 'years, was then discharged; has never received 'his wages or prize-money; says he was well 'used on board both ships. Was discharged as 'an American citizen at the Cape of Good Hope; 'his pay and prize-money lists were given to the 'consul at the Cape. Discharged." This man, therefore, according to the statement of our Consul, so far from having been impressed and held on board a British ship in 1809, had been impressed in 1797, and discharged in 1799. I might, sir, give you many other cases equally strong, but these are sufficient to prove that, by design or mistake, the document is wrongly headed; that the persons named in the list were not all on board British ships in 1809 and 1810; and, therefore, that, in its general results, it does not show the state of the British practice in those years.

In truth, the list is nothing more than the return of the names of persons who, within the year, had applied to Mr. Lyman, our Consul and agent for seamen, for protections against future, or for his aid in getting released from present impressment. It was his duty, as I do not doubt it was made his interest, to receive all applications, and when necessary, to lay them before the proper British authority. Jew and Greek, Turk and Christian, the growth of our own soil, and the produce of other countries, all threw themselves upon Mr. Lyman, and he, laboring in his vocation, granted patents of citizenship, or made his claim on the British Admiralty. Sir, there is not a man who, in practice or by inquiry, has made himself acquainted with the manner in which this business is transacted, but knows that many foreigners who never saw this country, or sailed under its flag, have attempted, by application to our agents abroad, to shield themselves against British impressment. The Secretary of State, Mr. Monroe, needs no information on this subject, having himself resided in London as our Minister. It was the duty of our agent to send home some account of his proceedings, and I have no objection to his making such a list as we have before us. But I do object to its being palmed on the American nation as a true history of British impressments affecting our people and nation. I pray you look at this list. In the year commencing in April, 1809, and ending in March, 1810, we have about nine hundred and forty names; and of these, about seven hundred are given with blanks in the columns for the "towns and States of which they represent themselves to be citizens"—"when impressed"—"where impressed"—"ships from whence taken"—"nations"—"masters." The time and the result of the application are only given. And from these entries in Mr. Lyman's book you are called upon to admit that the applicant was an American, and that he was impressed in the year 1809 by the British, on the high seas, out of an American vessel. Really, this is asking too much.

Mr. Chairman, I have examined the list from April, 1809, to April, 1810, with great attention, for the purpose of ascertaining the number of impressments which took place in that year, and I will now make to you one or two statements, which may cast some light on the subject of the British practice. The number which, by the list, appears to have been impressed in that year, is one hundred. It will be understood that in this number I do not include those whose names are carried out in blank, as has been stated. It is uncertain whether such persons ever were impressed; and, at all events, it is fair to presume, that their service on board British ships had commenced before 1809, or otherwise there could be no difficulty in giving dates. Of the one hundred, seventy-six were discharged, and six had deserted, leaving less than twenty to be accounted for.

Another result: Of the persons thus taken, fifty-seven were impressed on shore, and forty-three at sea. Again: Thirty of these seamen, when impressed, made part of the crews of British vessels, and thirty-four American vessels; and of the thirty-four, twelve were taken on land; leaving about twenty-two persons taken from American vessels on the high seas. It is possible, sir, that in these statements I may not be perfectly accurate; I am certain, however that I am substantially so.

I do not mean to represent that this is a full account of all the impressments which took place in 1809; on the contrary, I admit that it is not. Many impressments were certainly made of persons undeniably British subjects, who would scarcely think of applying to Mr. Lyman, and will not, therefore, be found in his book. Many persons, also, having a right to his interference, were not then known to him. My object in making these explanations, was to show that the 6,057 document does not furnish such strong evidence of British aggression as has been supposed.

The number of our seamen impressed by the British has been so variously represented, that I have, from motives of curiosity as well as duty, been desirous to arrive at something like a reasonable certainty on the subject. We hear of ten, twenty, nay, forty thousand of our citizens, confined in the floating dungeons of Great Britain, fighting her battles against their will. The evidence of this, however, is only to be found in the imagination of gentlemen. It is the old story over again, of the "six men in buckram." In part representing the greatest commercial State in the Union, it may be expected that I have some personal knowledge on this subject, but indeed I have none such to give. Is there not in this some proof that the evil has been magnified? I have sought for information in quarters where only it is to be found, among the shipping merchants and ship owners of the country. I will now furnish you with the opinion of an intelligent gentleman from Marblehead, whose means of information are ample, and whose veracity will not be doubted. I mean my friend from Massachusetts, who sits before me, (Mr. Reed.) He has favored me with this statement:

"In answer to your inquiry relative to the seamen of Marblehead, I have to remark that the average shipping of that port, for the last twenty years, may be estimated at about 19,006 tons, of which it is fair to calculate ten thousand tons were employed in foreign commerce, and the residue in the fisheries and in the coasting trade. Allowing six men to every hundred tons, which is the usual estimate, it gives an average of eleven hundred and seventy-six seamen in all, and six hundred in our foreign trade, each year; the number of seamen, therefore, employed from Marblehead for the last twenty years, must have been considerable, say five thousand. I have resided at that place nearly twenty years, and, during the greater part of the time, have been actively engaged in commerce. According to my own recollection, aided by that of others who have the best means of information, I do not believe that twenty of the seamen of Marblehead, native or naturalized, have been impressed by the British within the twenty years, and it is not known that one has been demanded without being released."

As there is no reason to suppose that Marblehead has been more fortunate with respect to impressments than other places, we have here something whereby to form an estimate of the number of our seamen taken by the British. My own conviction is, that the American seamen, impressed and held by the British, at the commencement of this war, did not much exceed five hundred in all, and certainly did not amount to one thousand. Permit me, sir, to mention one circumstance which speaks loudly on this subject. If the practice of impressment had been as outrageous as has been represented, it must have fallen with great force on the Eastern States, as it is there the mass of our seamen are found. We are then to expect much feeling and passion on this account. The war must be popular when the cause of it is brought home to every man's door. No such thing, sir. The war is confessedly odious there. It is in States where seamen never grew that the war has its strongest advocates. It is there that you principally find the dark pictures of sailors' sufferings, and hear the loud and long appeals to the sympathies and passions of the people about seamen's rights and seamen's injuries.

One inquiry more, Mr. Chairman, on the subject of impressment, and I have done with it. The President, in his war Message, says, that no pretext should be left for a continuance of the practice; "the British Government was formally 'assured of the readiness of the United States to 'enter into arrangements, such as could not be 'rejected, if the recovery of British subjects were 'the real and sole object. The communication 'passed without effect." The Committee of Foreign Relations are more direct still: "Its continuance (the practice of impressment) is the more 'unjustifiable, because the United States have 'repeatedly proposed to the British Government 'an arrangement which would secure to it the 'control of its own people. An exemption of the 'citizens of the United States from this degrading oppression, and their flag from violation, is 'all they have sought." In these passages we have two distinct propositions: that reasonable offers for an adjustment of this difficult and delicate subject have been proffered by the Government, meaning surely the Administration which commenced, and are willing to carry on the war on this account; and that the British Government would listen to no terms, however well calculated to secure to it the service of its own seamen. Is all this true? Is it true that the present Executive has attempted to negotiate with Great Britain on this subject; that he has communicated to the British Government his willingness and his wish to come to an arrangement, which, while it afforded safety to our seamen, would secure to that country the services of its seamen? What has been done by him is soon told, and ought to be known. The only measure which has come before the public looking towards an accommodation, by him, is to be found in the letter from Secretary Smith to Mr. Pinkney, of the 20th January, 1810, in which the latter is directed to resume the negotiation with the British Government, under the power which had been given to Mr. Monroe and himself. In his discussions, he was to be regulated by the instructions which had been given to them. It is added, "it is, however, not intended that you 'should commence this negotiation until the 'requisite satisfaction shall have been made in 'the affair of the Chesapeake." The affair of

the Chesapeake, we all know, was not settled until within a short time before the war was declared, and long after the return of Mr. Pinkney to this country. It follows that Mr. Pinkney could not, as most certainly he did not, commence a negotiation. No terms have been offered, no arrangement has been attempted to be effected by the present Executive. He cannot say that *his* "communications passed without effect," as in fact he made none. And yet, by him, we are carried into a war on this account.

The President may, however, deem his Administration so far identified with that of his immediate predecessor, as to entitle him to the benefit of the offers formerly made. Be it so. We will then examine the sum and value of the propositions of Mr. Jefferson. The instructions to Messieurs Monroe and Pinkney, are to be found in a letter to them from Mr. Madison, then Secretary of State, of the 17th of May, 1806, in which they are referred to the instructions to Mr. Monroe, of the 5th of January, 1804, as applicable to a great proportion of the matters committed to their joint negotiation, and as their guide. In the instructions, therefore, of 1804, we are to find the arrangement "repeatedly proposed to the British Government," "which would secure to it the control of its own people."

The instructions of January 5, 1804, were also drawn by Mr. Madison, in his capacity of Secretary of State, and contain the plan of a convention on the subject of seamen, with some other matters, giving the proposal and the ultimatum. The first article provides, that no person shall be demanded or taken at sea, out of a ship of one nation, by the armed ships of the other, unless he is liable to be so taken according to the laws of nations; and not then, if he makes part of the crew. In the observations on the plan, Mr. Madison asserts, and reasons on, the right of flag, and the article is drawn with a view to our claim, and to prevent search and seizure at sea. The eighth article provides that no refuge shall be given to persons deserting from a vessel, making part of the crew of such vessel; and the eleventh article provides, that "each party will prohibit 'its citizens or subjects from clandestinely carry-'ing away, from the territories or dominions of 'the other, any seamen or soldiers belonging to 'such other party." These articles embrace every part of the convention which relates to seamen. In them, therefore, are to be found, if anywhere, the arrangement said to have been repeatedly proposed to the British Government. I shall not examine how far such an arrangement was desirable to this country; but did it secure to England the control of its own people, the recovery of its own subjects?

In this plan we find no provision against the employment of British seamen, even deserters. Those already in the country might plainly go into our service, and those who might subsequently reach our shores were safe when our flag should be waving over their heads. Deserters, it is true, were to be given up; but how could this be done, when they were on the high seas, or had embarked in foreign voyages? The convention, as proposed, will be found, when examined, not to secure to Great Britain the service of her seamen, or the return of her subjects.

Is it true that the British Government would listen to no terms, that they have refused to negotiate on this subject? Sir, it is not true. Lord Grenville, in his letter to Mr. King, of the 27th of March, 1797, which I have already mentioned, uses these expressions: "If it were possible at 'once to find an obvious and indisputable mode 'of ascertaining whether a seamen is really a 'subject of His Majesty's dominions, or a cit-'izen of the United States, certainly the King's 'Government would not hesitate to accede to 'any regulations for applying that rule, in the 'easiest, most expeditious, and most effectual 'manner." After stating his objections to our act for the relief and protection of American seamen, he goes on to say, "for the reasons 'which I have here stated, the force of which I 'am confident no candid mind can dispute, I am 'under the necessity of declining, on the part of 'His Majesty's Government, to accede to the pro-'positions contained in your letter. If any other 'proposals can be made, less liable to objection, 'they will be considered with candor and liberal-'ity. It is not expected, that on so difficult and 'delicate a business, arrangements can at once 'be brought forward, wholly free from all objec-'tions, or such as to supersede the necessity of 'frequent revisal, improvement, and addition, in 'order to meet the different means of evasion 'that may be resorted to; but it is certainly not 'too much to ask, that the rules adopted in the 'first instance, shall at least afford some security 'against the most extensive and the most dan-'gerous consequences to the maritime power and 'safety of Great Britain."

Sir, I cannot but admire the force and dignity of the letter of which I have read part. The importance of the subject to both nations is fairly admitted, and a solicitude is evinced for the adoption of some regulation which would afford security to each. A distinct avowal is made, that the British Government do not want our seamen, if they can be left in possession of their own. And a suggestion is added, that a perfect arrangement is not to be expected on the first attempt. Difficulties will arise in practice in any settlement of this business. All that is wanted is a point to start from, and a disposition in both Governments to deal fairly and justly. I am not afraid to assert, that if the arrangement of Messrs. Monroe and Pinkney, in 1806, had been adopted with this spirit, we should now have thoughts of impressments merely as an evil which once existed.

But, Mr. Chairman, to come nearer to the present times. In the letter from Messrs. Monroe and Pinkney to Mr. Madison, of the 11th of September, 1806, it is stated that the British Commissioners pressed with much zeal, "a provision, 'that the persons, composing the crews of such 'ships, should be furnished with authentic docu-'ments of citizenship, the nature and form of

'which should be settled by treaty; that these 'documents should completely protect those to 'whom they related; but that, subject to such 'protections, the ships of war of Great Britain 'should continue to visit and impress on the main 'ocean as heretofore." This provision was rejected by our Ministers.

I will not say that such a regulation ought to have been adopted; but I will say, that the proposition proves, that the English Government was anxious to adjust this difference; and it proves further, that the great object of the British was the recovering of their own citizens.

The letter of the 11th November, 1806, from Messrs. Monroe and Pinkney to Mr. Madison, gives the history of the negotiation which led to the celebrated arrangement. Permit me to furnish you with one or two extracts from the letter, explanatory of the views and feelings of the British Government. "At our meeting the next day, 'the British Commissioners stated explicitly, but 'in a very conciliatory manner, that it was not in 'their power to adopt an article in the spirit of 'our project; that the Board of Admiralty had 'been consulted on the subject, as had also been 'the Crown officers in Doctors' Commons, who 'united all without exception, in the opinion, that 'the right of their Government in the case in 'question was well founded, and ought not to be 'relinquished. They added, that, under such circumstances, the relinquishment of it was a measure which the Government could not adopt, 'without taking upon itself a responsibility which 'no Ministry would be willing to meet, however 'pressing the emergency might be. They presented to us, at the same time, a counter-project, 'which they intimated they did in obedience to 'the instructions from their Government. The 'British Commissioners, after supporting with 'great force, but with candor, the claim of their 'Government, assured us that it was willing to 'do anything in its power, to satisfy the United 'States on the ground of complaint, which might 'be done without a relinquishment of their claim."

The amount of this information is, that owing to the feelings, the views, and perhaps the prejudices, of the British people, no Ministry dare formally to relinquish the right claimed in the abstract; but that everything short of this might be expected. We were not to look for a formal surrender of the right, but a regulation of the practice under it. Recollect, sir, that this is a declaration of the Fox and Grenville Ministry, always understood to have been most fair and most friendly to this country. Sir, I am satisfied, and so I am sure are a part at least of the Administration, that if this subject is ever settled, it will be by arrangements to prevent injuries to the two countries, in the employment and impressing of seamen, leaving the rights claimed on both sides untouched. Any attempt at negotiation with Great Britain, on the ground of an abandonment of her claim, is to my mind perfectly hopeless; and as long as I find the Administration insisting on this as indispensable, so long I must believe, that it is "within the scope of their policy" to continue the war, and to make it interminable.

Our Ministers, in their letter of the 11th of November, go on to state, that at their request the British Commissioners communicated to them a note, which was to accompany and to give character to the arrangement. The note declares, that the British Government "had not felt itself 'prepared to disclaim or derogate from a right 'which has ever been uniformly and generally 'maintained, and in the exercise of which the 'security of the British navy may be essentially 'involved; more especially, in a conjuncture 'when they were engaged in war, which enforces 'the necessity of the most vigilant attention to 'the preservation and supply of the naval force 'of the kingdom;" but, "that His Majesty's Government, actuated by an earnest desire to remove 'every cause of dissatisfaction, had directed His 'Majesty's Commissioners to give to Mr. Monroe and Mr. Pinkney, the most positive assurances, that instructions have been given, and 'shall be repeated, and enforced, for the observance of the greatest caution in the impressing 'of British seamen; and that the greatest care 'shall be taken to preserve the citizens of the 'United States from any molestation or injury; 'and that immediate and prompt redress shall be 'afforded upon any representation of injury sustained by them." Sir, this note, and the offers made by the British Commissioners, were satisfactory to our negotiators, and an arrangement was accordingly agreed upon. The American Cabinet, however, refused to accept it; it was sent back, and the affair of the Chesapeake soon after closed the door on any further discussion. How unfair is it then to say, or to insinuate, that the British Government have refused to treat on this subject, or to listen to terms which would secure to it the service of its own seamen!

The opinions of Messrs. Monroe and Pinkney, respecting the merits and the effect of the arrangement, might be collected from the circumstances of their agreement to it, but it is not left to inference. In our public papers, they will be found to have expressed themselves with great clearness and decision. In the letter of November, they say, "When we take into view all that 'has passed on the subject, we are far from con'sidering the note of the British Commissioners 'as a mere circumstance of form. We persuade 'ourselves, that by accepting the invitation which 'it gives, and proceeding in the negotiation, we 'shall place the business almost, if not altogether, 'on as good a footing as we should have done by 'treaty, had the project which we offered them 'been accepted. It merits attention, that everything is expressed in it that could be desired, 'except the relinquishment of the principle; that, 'in speaking of impressments, the exercise of 'that act, on the high seas, is not mentioned, an 'omission which we know to have been intentional."

And in their letter to Mr. Madison, of the third of January, 1807, transmitting the treaty, the same gentlemen refer to the letter of November, as

containing their opinion, that although the British Government did not feel itself at liberty to relinquish formally by treaty its claim to search our merchant vessels for British seamen, its practice would nevertheless be essentially, if not completely, abandoned. They go on to remark: "that 'opinion has been since confirmed, by frequent 'conferences on the subject with the British Commissioners, who have repeatedly assured us, that 'in their judgment, we were made as secure 'against the exercise of their pretension, by the 'policy which their Government had adopted, in 'regard to that very delicate and important question, as we could have been made by treaty. It 'is proper however to observe, that the good effect 'of this disposition, and its continuance, may depend in a great measure on the means which 'may be taken by the Congress hereafter, to 'check desertion from the British service."

You will scarcely think it possible, sir, that evidence can be furnished, which will more strongly negative the assertion, that the communications to the British Government, on the subject of impressment, passed without effect; and yet such evidence does exist. I will now call your attention to the letter from Mr. Monroe to Mr. Madison, of the 28th February, 1808, dated at Richmond. In this letter, Mr. Monroe says: "The idea entertained by the public is, that the 'rights of the United States were abandoned by 'the American Commissioners, in the late negotiation, and that their seamen were left, by tacit 'acquiescence, if not by formal renunciation, to 'depend for their safety on the mercy of the British cruisers. I have, on the contrary, always believed, and still do believe, that the ground on 'which that interest was placed, by the paper of 'the British Commissioners of November 8th, '1806, and the explanations which accompanied 'it, was both honorable and advantageous to the 'United States; and that it contained a concession in their favor, on the part of Great Britain, 'on the great principle in contestation, never before made, by a formal and obligatory act of 'the Government, which was highly favorable 'to their interest."

In a subsequent part of the same letter, Mr. Monroe, speaking of the note, and the omission in it of the terms "high seas," remarks, "it is im'possible that those terms could have been omitted intentionally with our knowledge, for any 'purpose other than to admit a construction, that 'it was intended that impressments should be 'confined to the land. I do not mean to imply 'that it was understood, between the British 'Commissioners and us, that Great Britain should 'abandon the practice of impressment on the 'high seas altogether. I mean, however, distinctly 'to state, that it was understood, that the practice 'heretofore pursued by her should be abandoned, 'and that no impressment should be made on the 'high seas, under the obligation of that paper, 'except in cases of an extraordinary nature, to 'which no general prohibition against it could be 'construed fairly to extend."

Again, and it is the last reference I shall make to these documents, not because much and material matter does not remain, but because I am really tired of the subject. Mr. Monroe, in his Richmond letter, declares: "We were, therefore, 'decidedly of opinion, that the paper of the British Commissioners placed the interest of im'pressment on ground which it was both safe and 'honorable for the United States to admit; that, in 'short, it gave their Government the command of 'the subject for every necessary and useful pur'pose. Attached to the treaty, it was the basis 'or condition on which the treaty rested. Strong 'in its character in their favor on the great ques'tion of right, and admitting a favorable construc'tion on others, it placed them on more elevated 'ground, in those respects, than they had held 'before."

The statements thus made by Mr. Monroe and Mr. Pinkney, establish a few facts of great importance, which cannot be too generally known or too frequently repeated. Kept constantly in recollection, and applied as touchstones to offers which have been, or may be made, to the British Government, they will show the sincerity of the Administration, or their insincerity. They prove that the British will negotiate on the subject of seamen, inasmuch as they have done it. They prove that the British will come to an arrangement with us: for this, they have offered. And they prove that the British will accede to propositions relating to impressments, which are safe and honorable, and therefore satisfactory to this country; for this, we are told they did. But they prove, also, that no Ministry in England dare openly and avowedly relinquish the right of search, or recognise, to the extent demanded by us, the right of flag. The practice may be so regulated, and was offered to be so regulated, as to bring the claim into disuse. And what to us is a right claimed but not enforced? When I find the Administration dealing less in abstract propositions about seamen's rights and national honor, and attending to what is really to be desired and is known to be attainable, I shall believe in their pacific dispositions, and not till then.

From the time I first saw the arrangement made by Messrs. Monroe and Pinkney, with their account of the negotiation, and the explanatory statement of Mr. Monroe, I have believed, that the subject of seamen was placed by them on a safe and proper footing. And it has always been with me, feeling as I do for seamen and their rights, a matter of great regret that the arrangement was not agreed to here. A short experience would have satisfied us as to its practical operation. If by it our sailors were protected, a great good would have been gained. If otherwise, our claim for other terms could not have been resisted. The gentlemen, however, who negotiated the arrangement, have changed characters, and with it, it would seem, their views. They now make a part of the Administration, and, as such, feel themselves authorized to say, that the British Government have refused to settle the difference on suitable terms. They advised war, and require its continuance on this account. I am not to

doubt, that some new light has led to this course; and it is possible, that with means of information, I may be induced to give up my opinion also. As yet, however, I have seen nothing which destroys the force of their reasoning.

I have now, sir, finished the remarks which I intended to make on the British claim and practice of impressment. We have for years past had so much idle declamation on the subject, that a dispassionate investigation of it appeared to me to be called for. In the course of these remarks, I have attempted to show that the claim was neither novel nor peculiar, and it is not wholly unsupported by reason; that our true interest calls more for a fair regulation of the practice than an abandonment of the rights; and that the conduct of the British, of late, has been such as to warrant an opinion, that an arrangement may be made, having for its object a proper regulation of the practice, leaving the rights of both nations, whatever they may be, untouched. Sir, with this view of the subject, it is not possible for me to consent to the adoption of measures, having for their object the further prosecution of the war offensively on our part; and I cannot, therefore, vote for the bill on your table. The war has not yet assumed a character. We have, indeed, added much, and are about to add more, to the public debt. Already a portion of our citizens are burdened with oppressive exactions in the form of duties, and heavy taxes are staring all in the face. But yet our homes and altars remain safe and unpolluted. Let us seize this moment to give the nation peace, and the people happiness. This is the appointed time, and if we do not improve it, I fear my country is to suffer in its prosperity and its institutions. For Heaven's sake, let us pause!

Mr. Chairman, I intended, when I first rose, to have made some observations on the effects and consequences of this war; and to have examined what the Administration is pleased to term its pacific advances; but I am really so exhausted that I have not the ability to go on, if the Committee had patience to attend to me. With respect to the advances, I will make but a single remark, and that is, that from the circumstances under which they were made, they were exactly calculated, if not intended, to produce the result we have witnessed. Sir, I have done.

Mr. Macon said after failing in his attempt to amend the bill, he had considered it of very little importance; indeed, in its present form, he was not anxious whether it passed or not; and he had intended not to have troubled the Committee on the subject, but the strange course which the debate had taken had called him up almost against his own consent. He could truly say that he would not have offered a word to the Committee, had not those who oppose the bill have brought into the discussion French influence, operating by a sort of magic on every act of the Executive. The conduct of the Executive had undergone the strictest scrutiny by these gentlemen, and their own arguments would, in his opinion, convince every impartial man, that it had been perfectly fair and upright to all foreign nations; the least attention to the documents, which have from time to time been published, would also convince every man of it, and satisfy all that the great object of the Government had been peace, and that peace was maintained until it could no longer be done without surrendering almost every national right worth preserving. Mr. M. said he would endeavor in his observations to follow the example which had been set the last two days: not to utter a word to wound the feelings of any one; nor would he refer to the documents, because every member possessed them, and they had been published for the information of the people; and he was sure that the Committee must be tired with hearing a sentence here, and a paragraph there, read from them. The true way to understand them was to read the whole. But he had never been in the practice of making many quotations from books or documents, and he thought it unnecessary to make any now. He was clearly of opinion that the gentlemen who were opposed to the Administration had the right to say whatever they thought of it, and to select the subject on which they would speak; and as they had made the selection, he hoped they would have an opportunity now of delivering their sentiments. He, however, regretted that they had selected this bill; because, of all the bills which may be brought before the House the present session, not one, he thought, would require despatch more than this. The loss of a day now may be the loss of the next campaign. He had expected that this general debate, which seems to include everything but the bill, would have been delayed until the loan should be under discussion.

The points made in the debate seem to be: impressment; the right to expatriate; the right to naturalize; and French influence; neither of which have any connexion with the bill, which is to raise troops for one year. Sir, said Mr. M., I will not retort a charge of British influence, and so balance one assertion against the other, because I do not believe that there is much of either in the nation; but if I was to say there was none, I should not say what I believe. People may honestly differ in opinion as to the effect which the success of England or France over the other might have on the interests of the United States, without being under the influence of either; and this, no doubt, is the case with thousands.

I will, before I proceed further, notice some of the observations made by the gentleman from New York, (Mr. Emott.) If I have not understood him or any other gentleman correctly, I hope that I shall be corrected; because it is my sincere desire to state their sentiments fairly; and it is not always possible to take down their own words. He said, if there was any English influence, it was the influence of Locke and Sidney. As well might he have spoken of the influence of any other patriots who lived before us. Their influence will be respected wherever their works shall be read; but that sort of influence is not the influence of which we have heard so much, and

which I intend hereafter to notice. He also mentioned the influence which drove the first settlers to Plymouth. Yes, sir, that influence was truly British, and that sort of influence Great Britain has been exercising ever since the first settlers, by their own industry and exertions, got into a situation to be useful to her; and that influence, or rather that persecution, compelled the first settlers of Carolina to leave the other provinces, and to settle a second time in the woods, and, as soon as they were able, to pay taxes. That same influence followed them, and made their condition much worse. It pursued the people in every part of the Continent, until they declared themselves independent; and, from that day to this, she has not treated the United States as she has treated other independent nations.

Mr. Chairman, I was astonished when the gentleman told us he was not a friend to standing armies; and, almost in the same breath, said that, at the last session, he voted for raising the twenty-five thousand men, and that he did not mean to go to war when he gave the vote. For what purpose, then, could they be wanted? Experience had already shown that the old establishment was quite sufficient in time of peace. Indeed, a very considerable part of that was raised soon after the affair of the Chesapeake, and under an expectation that war would follow, and not for a regular peace establishment.

The same gentleman told us, that impressment by the British Government was no new thing. This is certainly true as far as regards her own subjects, and from her own vessels; but the systematic impressment of foreigners from foreign ships, is a new thing; and that, too, when the men and the ships both belong to the same nation. That Government never attempted to impress Spaniards, Dutch, French, Swedes, or Danes, from vessels belonging to the same nation with the person; and it is this new doctrine, which operates solely on us, of which we complain. The question between us and England has nothing to do with the doctrine that free ships shall make free goods, or free men, if gentlemen please. And why draw that into the debate on the impressment of American citizens from American vessels? No law or precedent can be produced for this abominable and wicked practice. It was never attempted to be justified, notwithstanding impressment is no new thing with her. Every Sovereign, said the gentleman, has a right to the service of all his subjects in time of war. But this right is like some others which Sovereigns claim; it is without a remedy. Of what avail is the proclamation of the Prince Regent in this country, ordering the British subjects home? None. Many of them are still here, and, probably, will remain until the termination of the war, and the British Government will never dream of punishing one of them for disobedience. But, admit this right in Sovereigns to its fullest extent, and it does not give one Sovereign the right to impress the citizens or subjects of another; nor does it justify such an act; of course it does not touch the act of which we complain: that is, the impressing of American seamen from American vessels.

It is curious that, throughout this whole debate, there seems to have been drawn a distinction between the rights of a man who cultivates the soil, and of him that follows the sea, and that this distinction should have been drawn by those who claim to be the champions of commerce and of a navy, and who have told us that agriculture and commerce were inseparable. Ought it not, then, to follow, that the rights of those employed on land or water should also be inseparable? This strange doctrine, as was observed by the gentleman from Louisiana, (Mr. ROBERTSON,) may dust the eye, but cannot stagger the understanding of any one.

The same gentleman said, that we had taken no measures to exclude British seamen from American vessels. For what purpose were protections given to American seamen? Surely to protect them against impressment, and to show that we had no desire to protect others; and what more ought to have been done, he did not tell us. I ask, did any nation ever do more? Besides, has not the United States, over and over again, offered to make an arrangement with England on the subject of sailors, which should be satisfactory to both, by securing to each the use of their own sailors? and has she not always refused to make any arrangement about them? And it may be fairly asked here, what measures Great Britain has taken to prevent her officers from impressing our seamen? None that I have heard of, and she is the aggressor. We have not injured her, while she has been impressing our sailors whenever she wanted and could find them. If the United States wanted sailors ever so much, they could not impress one of hers, and she knows this; and she would not suffer one of them to be impressed by any foreign Power; and we must determine to defend the rights of ours, or it will be idle to talk about navigation, commerce, and a navy. Indeed, if commerce and agriculture be inseparable, you must defend the rights of the persons concerned in both, or both must be injured. There are no neutrals able to carry our products to market, and if you will not protect your seamen they will not carry them.

It is worthy of remark, that, for twenty years past, the Government of the United States has been trying to settle the question of sailors with Great Britain, and that every attempt has failed, and that it is just now discovered that we have always begun wrong. My colleague (Mr. PEARSON) and the gentleman from Connecticut, (Mr. PITKIN,) it appears, could settle this great question without much difficulty. If they can, I wish most sincerely they would. I am, however, apprehensive that they are a little mistaken, because General Washington, when President, having Major Pinckney, now Major General Pinckney, for Minister at London, tried without effect. Mr. Adams renewed it with Mr. King for Minister; Mr. Jefferson with Colonel Monroe, and Mr. Pinkney, now the Attorney General; and Mr. Madison, with the last named Pinkney. All

these Presidents and Ministers, with the aid of every Cabinet, have failed. Every description of political opinion, with the greatest talents, have been employed and done nothing. At the end of twenty years we have gained nothing, and lost our labor; the question is as unsettled as ever; and we have been worsted in this way, that, while we were negotiating, they were impressing seamen.

We have been told by my colleague, that it is not the right, but the abuse of impressment of which we complain. It is true, sir, that we do not complain of Great Britain impressing her own subjects; she may do as she pleases with them, that is no concern of ours; all we ask of her is to keep her hands off our people; and we deny her right to impress American citizens; and if the abuse be the impressing them, of that we do complain, and not without just cause, because she has impressed many of them, and compelled them to fight her battles; and I have understood, after we had declared that war existed between her and us, that she detained those she had before impressed as prisoners of war, and this may be a part of her public law. Indeed we have heard much about universal law and public law, neither of which from the statements made seem to have much regard to right or justice, which ought to be the foundation of all law. One universal law seems to be, that Sovereigns can command their subjects to return home in case of war; another, that no person can expatriate himself; and Great Britain is no doubt willing to acknowledge another, by which she might impress sailors from all the world. As to the first, we need not trouble ourselves about it; and the second, the United States have not acknowledged; and we are now contending against impressment; and permit me here to observe, that the Republicans have always considered the impressment of citizens a more serious injury than the spoliation of property.

Is it not strange, sir, that some of the gentlemen should talk so much about public law, and that others should say there is now no public law, that the Emperor of France had destroyed it? That he and the British navy together have destroyed it, was certainly true; in the work of destruction they were united; force with them now constitutes reason, and they are each of them endeavoring to make their will a new law of nations; and if we suffer American citizens to be impressed from American vessels, to serve on board the British navy, we ought never to talk about law again. If ever there was a universal law, it was that of expatriation; the right to live in the country men preferred. In every age and in every nation men have left their native country and settled in others, and so expatriated themselves; and from the days of Joseph to the present time all nations have naturalized foreigners. If I am mistaken in this, I will thank any gentleman to put me right; but it would seem by the present debate that sailors had not the right to expatriate themselves which other men had; if this be true, it would follow that they could not be naturalized; and yet the Constitution of the United States does not except them from the general rule. I should really like to hear how a man lost his rights by going to sea.

But does Great Britain admit that she cannot naturalize? Certainly not; she naturalizes sailors by hundreds and thousands, while she denies that any of her subjects can expatriate themselves and be naturalized in another country. Nay, does she not naturalize by impressment, provided the person impressed serves a certain time on board her navy? And does not every Government in Europe naturalize? Prince Eugene was not a German; Marshal Saxe was not a Frenchman; and the celebrated Keith was not a Prussian: there is no end to examples which might be produced. The very man who now commands in Canada is believed to be the descendant of a naturalized Swiss. We all recollect D'Ivernois, who has written so much against this country and France; he was not only naturalized, but also *knightified*, if I may make a word; Dumont and others might be mentioned, but it is useless, we have examples enough in our own country: the Germans in Pennsylvania and the Carolinas, when provinces; the Greeks in Florida, when Great Britain owned that country. And has she not naturalized citizens of the United States in Canada; and is she not indebted to the Huguenots, whom she naturalized, for much of her prosperity? With respect to naturalization, she may be compared to a gulf, which takes everything in and lets nothing out. We have been told that France does not admit the right of expatriation. We all know that some years past she was very anxious to naturalize the fishermen of the United States; and very lately she has naturalized Irishmen: indeed, at one time, she seemed willing to naturalize or fraternize with all the world. The truth is, they are both willing to get subjects by naturalizing, but unwilling to lose one by expatriation. The Irish have gone into the service of almost every Government in Europe, and we have not been informed that the English Government punished them for it. But the sailors of all countries are poor, though liberal and generous, and it may be added almost friendless; they appear even to want friends on the other side of the House: their poverty and want of friends is no doubt the reason why the universal law, or public law, or some other law, forbids them the rights of expatriation and naturalization. But admit all we have heard about England and France not permitting their subjects to expatriate themselves, and it only proves that they have municipal laws to that effect, which it is impossible to execute; and their having laws on the subject shows plainly that they do not consider them deprived of the right by the law of nations. While on the subject of universal law, permit me to notice another which has not been mentioned, and which, like the others, is not regarded. It is this: that no Government shall assist rebels; to assist those whom monarchs deem rebels is with them the sin not to be forgiven. Each of them is always willing to have it enforced in his own case, and generally willing to aid those that

another may deem rebels. The Governments of Great Britain and France have both acknowledged this law, and have both violated it whenever an opportunity offered, and they thought it their interest to do so. Great Britain assisted the Dutch and Vendeans; France the Scotch and the United States. Monarchs are not apt to be very nice about their actions, though they may make a great fuss about their principles; except Francis the First of France. They have generally been willing to benefit themselves by taking advantage of any commotion in a neighboring kingdom, or any other circumstance which may happen. England and France have been remarkable for taking part in the rebellions which have existed in each other; and if one existed in either at this moment the other would be as willing to take part as ever. I have brought this subject into view to show that the notions about universal law are illusory, to say the least of them, and that the great Powers of Europe have never in their acts respected them, and we shall always find ourselves mistaken if we look for public law anywhere but in the actions of nations. Treaties are only law between the persons which make them. Indeed public law can only be collected from facts, that is, from what nations have done. But, admit I am mistaken in this, and that it is a settled code derived from reason, the result will not be changed, because reason would justify the right to expatriate and to naturalize; and the facts prove that all nations have naturalized, and no one more than England, who, we have been told, never gives up her pretensions; so that, let us do as we will, she will continue to naturalize and to declare that her subjects cannot expatriate themselves. But this same England has yielded the point in the case of Napper Tandy; and France did not punish the great Condé or Marshal Turenne; and she has in a case very similar yielded to the United States, I mean the case of General Charles Lee; he was saved from her pretensions; and the same energy, decision, and unanimity, which saved him, would now save our seamen from impressment.

My colleague has stated that the Orders in Council were repealed in six days after the declaration of war. The fact is undoubtedly so, if their modification, as I understand it, be a repeal. However, be this as it may, it is easy to discover the cause of the change in the British policy. This will be best done by going back to the embargo; there can be no question but that produced the arrangement with Mr. Erskine, which she refused to carry into execution, notwithstanding we now hear so much of her good faith. The non-importation, together with the Message of the President to Congress, at the last session, and the act to raise 25,000 men, which passed the 11th of last January, produced the modification of the Orders in Council. Having mentioned the non-importation act, it is due to truth to say, that it has produced effects on Great Britain which I did not expect. Can it be supposed that the Orders in Council were modified without a cause? No one will suppose so, who is the least acquainted with the plundering which took place under them; as long as we would suffer ourselves to be plundered under them, so long they would have continued in force; and so long as we suffer her to impress American citizens, so long she will continue to impress them. Is she not acting towards us, in the modification of the Orders in Council, in the same spirit that she did during the Revolutionary war, when she attempted to tamper with us and divide us; first offering one thing and then another, and at last everything but independence, and that was conquered. Observe her now, as soon as circumstances convince her that we intend to defend our rights, which she had so long violated, she modifies her orders, but does nothing to prevent impressment, and we must conquer the rights of sailors and free trade, or never again talk about being a great maritime power or a free people.

We have been told that we might shortly have peace, and that this House was the place to begin the good work; though I do not know how it is intended to begin. I will heartily join in any measure which may produce so desirable an end, and at the same time maintain our rights. I rejoice, sir, that these gentlemen now think we can legislate on foreign affairs, and not violate the Constitution or usurp the Executive authority; nay, it seems we may now begin a treaty here without injuring the Constitution; we may judge from the documents before us what would suit Great Britain, and we know that would not suit us; of course it will not be very easy to suit both; yet I am perfectly willing to make the trial, and must add, that I never expected to hear the gentlemen talk about settling an affair with a foreign nation by paper measures. I had thought they considered them not only ridiculous, but absurd also, and that their way was powder and ball. Great Britain knows as well as any man in this nation that she can have peace, under her present regulations, whenever she will quit the vile practice of impressing the citizens of the United States. Our sincere desire of living in peace with all the world, the many and honest attempts we made to settle our disputes with her, and the laws we passed to avoid war, induced her to believe that we could not resist; and, now that we have resisted, we hear it said that under no other Administration would we have been at war. Can it be doubted that General WASHINGTON would have resisted had not Mr. Jay have made a treaty? or can it be doubted, when he demanded Commodore Barney, that he made the demand with an intention to enforce it if refused? His character forbids a doubt; he would not have sacrificed the rights or property of his countrymen. Permit me here to state what a Federal friend of mine said in Carolina, who served in the American Army during the Revolutionary war: A friend of his said to him, after Hull's surrender, that we must now make peace. Never, he replied, till that disgrace is wiped away; my country is at war, and I will go with her; take away the disgrace before we talk of peace. This is Federalism in the district which I represent; it is the

sentiment of all parties in that part of the country. All the gentlemen from Massachusetts who have spoken, except one, (Mr. Widgery,) have declared the war to be immoral and unjust on our part. If it be immoral and unjust in us, what must it be in Great Britain, who has for years violated our dearest rights? They did not tell us; I wish they had. But some of these gentlemen voted at the last session to raise the 25,000 men; for what purpose could they be raised, unless for war? I have before endeavored to show that they were not wanted for the Peace Establishment; and surely they could not be wanted only for the purpose of paying them. Not one of the gentlemen who oppose this bill, and who voted for the act to raise the 25,000 men, have told us the purpose for which they wanted them; and have not these gentlemen, at this session, voted honorary rewards to those who have most distinguished themselves in this immoral and unjust war, as they call it? This vote, while it was a just reward to merit, was also an incitement to others to do the like, and was encouraging the war. I am no navy man; but I gave the vote, approving the conduct of those who fought in the Navy, with as much sincerity as I ever gave one. These brave men know that the war is neither immoral or unjust; and they know also that they are defending and supporting the rights of their injured country.

One of the gentlemen from Massachusetts (Mr. Quincy) could not miss the opportunity, which this general debate afforded, to mention the negroes in the Southern States. I had supposed, after former debates, they would not have been drawn into questions where there was no necessity for it. The names of many persons could be mentioned who were slave owners, whose memory will be dear to the nation, as long as virtue and patriotism shall be respected; I will only name one—and he not a native of the Southern States, but of New England, and no man from that part of the Union was more distinguished during the Revolutionary war than he was—I mean General Greene, who commanded the Southern Army. The Carolinas and Georgia acted towards him in a way that no States acted towards any other man. After the war he settled among them, and, if I am rightly informed, became a slave-owner. A regard to his situation in that respect might have induced the gentleman to have spared his observations; but they were also mentioned by a gentleman from Virginia, (Mr. Sheffey;) it was not expected from that quarter, and if his observations were intended to warn us, he ought to have considered that others might notice them; but more of this hereafter, when I shall attempt to answer some of his observations.

The gentleman from Connecticut (Mr. Pitkin) said, that if we carried on the war till Great Britain relinquished the right of impressment, it would last as long as the war in Europe. He, like all other gentlemen who have spoken against the bill, or rather the war, gives the real question the go-by. The question is not, that she shall relinquish any right she may have to impress, but that she shall not impress American citizens, which she has no right to do; and I sincerely wish the question could be fairly put to every man in the nation. I am confident the answer would be, she shall not impress one. I should be very glad to hear some of the gentlemen state the difference between Algerine capture and British impressment. What situation can be more degrading than to be taken by force from your own vessel, and put on board her's to fight her battles, and probably against your own country. Tripoli had not done us the hundredth part of the injury which Great Britain has done, and all, as well as I now recollect, were willing to compel her to respect our rights—and she was compelled. The same unanimity now would have the same success. This same Great Britain, and France her rival in wickedness, while at war, have acted as if by concert to injure us; they each interdict our trading with their enemy, and establish a license trade between themselves; but, strange to tell, we have British seamen in our service. Then the British service is not quite as agreeable as ours; but they are not impressed, and I imagine not in the public ships. The merchants when they want sailors generally take the first they can get; but there is a great difference between the merchant service, which is voluntary, and impressment on board an armed ship. Besides, the British Government refuses to make an arrangement, by which her sailors could not be employed in American vessels; her present system is more convenient; it enables her officers to get men wherever they want them; if they can only find them, no matter whether native, naturalized or foreigner, a sailor is a sailor with them. The gentleman also said, we had done nothing to protect our seamen, and that we ought pass a law, that a certain proportion of every crew should be citizens. This I have long been willing to do, but that would only be a paper protection, and the British officers would not regard it, more than they do the present protections; nay, if we had the right to brand ours, and were to do it, I do not know but they would put the same brand on theirs, for the sake of making them so much alike that they could not be distinguished, and then under the plea that they could not tell one from the other, continue the convenient mode of getting men in every part of the world by impressment. But are we not now trying to protect them, by carrying on the war for sailors' rights and free trade?

The same gentleman, when he described the flourishing state of the country before the war, forgot to mention that more than thirty millions of the public debt had been paid during the last twelve years, and Tripoli compelled to respect our national rights, and that too without internal taxes or a tax on salt.

He also told us, in the first part of his speech, that we could not contend with Great Britain on the ocean, and, as he sat down, I understood him to say, we ought to carry the war on there. It appears very strange to me, that we should make

our effort where we are not able to contend with her. I regret that the gentleman and others who have spoken, are not in the House—the cause of their absence is known to every one.

The gentleman from New York, (Mr. BLEECKER,) read to us a letter written by Mr. Russell from Paris, that contained what he believed to be true, and his duty to communicate to the Executive—and his letter from London appears to be written under the same impressions; in both cases he had done his duty, and nothing more. It is however, remarkable, that the letter from Paris is precisely what it ought to be, and that from London precisely what it ought not to be. As the gentleman seems fond of examining the documents, I will remind him of one, which was published some years past, and obtained the name of the X, Y, Z, communication; in that he will find related conversations, not with authorized agents of the Government, but with every man and woman (none it is believed were refused) who would say a word about a French party in this country; and who these people were, is not known to the public to this day, except one, whose name I do not recollect, and he denied the correctness of the statement concerning himself. These good men, the Envoys Extraordinary, thought it their duty to send the Executive a statement of the conversations which they had with these unauthorized people, and a very large edition of the communication was printed for the information of the nation. And pray what has Mr. Russell done? Related a conversation which he had with the Chief Minister of the Prince Regent.

When the arrangement made with Erskine was announced, what a fine fellow the President was; he was truly the President of the people; what a misfortune he had not been sooner elected; everything would have been right; he was quite a different man from his predecessor; though in my opinion his predecessor would gladly have made the same arrangement at any time. But how was it when the British Government refused to ratify the arrangement? The tone was changed; the man in the White House had taken the young Minister in; he had made the arrangement without peeping behind the scene, to examine the authority under which the young man acted; and in some part of the correspondence it was then discovered that an insult had been offered to the King, which his Minister here nor nobody else could discover till after the arrangement was rejected, and which no man can believe to be an insult or intended for one.

The same gentleman told us, we ought to make war on France, or acknowledge that we are wrong in making war on Great Britain. With respect to making war on France, it will be recollected that a gentleman from Kentucky, (Mr. McKEE,) at the last session, made a motion in a Committee of the whole House, to include France in the declaration of war; that it was seconded by myself, and I believe some other member; only ten voted for it; three on that side of the House and seven on this. As for acknowledging that we were wrong in the war with England, that can hardly be expected. I believe it cannot be shown that we are, and it certainly has not yet been done.

The gentleman said we ought to insist on Great Britain to abandon the practice of impressing; I suppose he meant American seamen; but the manner in which this ought to be done he did not inform us. He is too high-minded to think of another mission, to beg that justice which she has so often refused to our supplicating Ministers; in fact we are insisting that she shall abandon the wicked practice in the only way not tried before, that is, force. If we were to send another Minister in the present state of affairs, we may fairly conclude that he would return, as all the others have done, with his finger in his mouth.

Canada, he said, is not worth conquering; it is a curse to Great Britain, and we cannot conquer it. I believe we may conquer it, and that it is worth conquering, if it was only to get clear of a meddling and bad neighbor, who is always willing to make a strife in our family. It cannot be forgotten, that it has been stated in this House, that more produce went down the St. Lawrence than the Mississippi, and the greater part of it is understood to be the produce of the United States. It would appear, from this, that it is not a curse to Great Britain, and certainly she does not consider it one. Whether it be obtained this war or not, it will be had some time or other. Notwithstanding all that has been said to the contrary, it is absolutely necessary, in my opinion, to the peace and happiness of the nation, as much so as the mouth of the Mississippi was. These two great rivers seem to have been intended by Providence for an inland navigation from North to South; and their waters (if I am correctly informed) can be more easily united than some of the canals already projected be finished.

I understood the same gentleman to say, there was no patriotism in the ranks of the Army. My opinion is very different; because I believe that respectable and patriotic men have enlisted, though not wealthy. In every country, there is more patriotism among the middling and poor people, than among the rich and the avaricious. The middling and the poor are contented; the rich and avaricious are never satisfied. And this is peculiarly the poor man's country, because it is the only one in the world where he is equal to the rich. The history of the Revolution will satisfactorily prove that there was patriotism in the ranks of the Army which achieved the independence of the country: and the ranks are no doubt filled with the same sort of men now that they were then. It is not long since we were told, and told again, of the patriotism of the tars—that a seventy-four could be manned in an hour—and now, it would appear as if all countries were alike to them. He also informed us that the militia were good for nothing, and that an army could not be raised. If it is so, the war must be at an end, and we must beg for peace, as we have heretofore begged for justice. The militia of the Western country is the best answer to this charge; they are at this time performing a duty never surpassed. Bunker's Hill and King's Mountain

are lasting monuments of the exploits of the militia; they were equal to those at Thermopylæ and Marathon.

The gentleman appeared to console himself with the recollection that Napoleon must die. Can he or any other man living tell what will be the consequence of his death on the civilized world? Can he tell whether it would produce peace among the belligerents, or new wars? Europe is now in that state, that it is impossible to foretell now how it will settle down, whether he live or die. The Greeks thought the death of Philip of Macedon would put an end to their troubles; but they were sadly deceived. Alexander added to them; and no doubt the countries which he conquered thought his death would relieve them; but it was a signal for new wars and new troubles. If we calculate that the death of Napoleon would change the conduct of the European Governments towards us, we shall be deceived. No Government in Europe can wish well to ours: it is formed on a plan which they do not like. We must depend on ourselves—on our own means and resources;—any other dependence would be like an idle man sitting in the shade and calculating to grow rich.

The gentleman from Connecticut (Mr. TALLMADGE) regretted that party names had been introduced among us. No man regrets it more than I do; but it is more to be regretted that love of party should prevail over love of country. It must be recollected, by every man acquainted with the history of the nation for the last twenty-five years, that the gentleman's political friends began party names; that they had their choice; and, while they were in power, *Federalism* and *energy* were their words. *Republicanism*, then, meant anything or nothing. They had not, however, been long out of power, before they began to talk about Republicanism and the rights of the people, and now every Federalist claims to be a good Republican; and if they are kept out of power twelve years longer, I have no doubt they will be as fond of being called Democrats as they are now desirous of being called Republicans. The gentleman mentioned his Revolutionary services. No man respects them more than I do. He is one of those whose names are honorably recorded in the Journals of the old Congress. He also told us that he would not vote men or money. I cannot forbear regretting that he did not tell us what he would do, because, while I have the Journal fresh in my memory, I cannot make a single comment on this, to me, strange declaration; which, if he will pardon me, I will say, appears to differ widely from the record. God be praised! I have never said anything against the patriots of the Revolution.

The same gentleman, and some others, have said, that the war is now carried on for naturalized citizens alone. This, I apprehend, is a mistake. It would puzzle him to show, when the British officers wanted men, that they paid any regard to the fact whether the men were native or naturalized citizens. Their *want* was the only rule which regulated their conduct in impressment. The Constitution of the United States makes all citizens equal, except that a naturalized citizen cannot be elected President. It is true, as has been before stated, that the great point now in contest is the impressment of American citizens.

We hear so much about foreigners, that a stranger might suppose we were contending for *their* rights. The fact is not so; but the time has been, when the United States would have contended for their rights when in her service. Does not every man recollect some of them, who have been in her service, whose names are still dear to the nation?

I come now, sir, to the question which has been forced in the debate. From my heart, I wish we may never again have another discussion about foreign influence. It ought not to contaminate our walls. I hate to name it, or to hear it mentioned; the very idea is degrading to the House, and disgraceful to the nation. Why the idle charge of French influence should have been introduced, I cannot conceive, nor can I persuade myself to think that the gentlemen themselves believe it. What, in the name of God, is there in the administration of our Government, or in the known principles and characters of the men who administer it, like the administration of the French Government, or the principles and characters of the men who administer that! The principles of their abominable Government are not more unlike ours, than the men who administer it are unlike the men who administer ours. It was at one time apprehended by certain men, that our Constitution would be destroyed for want of energy in those whom the people had elected to administer it; and a want of energy in the French Government has never been suspected. Having already stated my opinion about foreign influence, I will now state a few facts to remind the Committee how much more noise would have been made about French influence, if France, bad as she is, had only have done that which England has done. And I do not mean to say that she would have done it, had she been able. Suppose a French officer had treated Captain Phillips of the Navy, and his crew, as a British officer did; which was, to have the crew mustered on deck, and take two or three men from it: what a cry would have been made about French insolence and cruelty! It is due to Mr. Adams, to say, that he very properly dismissed the Captain from the service. Had the Chesapeake been wantonly attacked, almost on our shore, by a French ship, all the moderation of the late President could not have prevented a declaration of war against France, for so unheard-of an insult and outrage. You will, sir, recollect my having said, that the attack on the Chesapeake was as much an act of war as the attack on Copenhagen. So much was said about this observation, that I was almost induced to think that I might be expelled for it; and if I had continued to repeat it, I do not know but I might have been. Had France continued for twenty years to impress American citizens to fight her battles, especially under the flag of the great Napoleon, should we have borne it? No; man, woman, and child, would have

united in war against her. Henry, who has been brought into the debate: had France sent him amongst us, who would not have given any price for the papers, to prove the object of his mission, especially if, about the same time, her Minister here had received seven hundred thousand pounds sterling, in bills of exchange? What a mighty noise would have been heard from one end of the Continent to the other! Had France, in time of peace, have blockaded our ports and killed one of our sailors, the public mourning and weeping for the death of the unfortunate and innocent Pierce would have been ten times as great as they were. Vengeance for the murder would have resounded through every State and family; and would we not have declared against her? That it was exactly as Napoleon treated the rest of the world, and that we must resist him by force? Had it have been believed that a French Consul interposed in our elections, he would have been kicked out of the country, and told we wanted none of his fraternizing.

I will now notice a newspaper which was known to be edited by a foreigner, and one who declared he never would become a citizen. The editor made a great noise in the country by the number of papers which he circulated, and by his having been fined, in a State court, five thousand dollars for a libel, which he tried to make the people believe was wrong—I mean Peter Porcupine. Suppose that he had been a Frenchman, avowed openly his determination to remain a subject of France, and that in his paper he constantly abused the Federal party and called them the English faction. That the second man the nation ever produced was dead before the paper was established, the venerable Franklin; that he abused him in his grave, and endeavored to bring his name into contempt by ridicule, nay, he called him nothing but old lightning-rod. That he had advised the Democrats to put on the black cockade, (which they did,) and all that would not put it on, ought to be considered inimical to the country. That he constantly declared the Government of Napoleon to be the best in the world; and that this paper, which it is believed never had its equal for scandalous publications, was supported by the party then in power, the Democrats. Would there not have been as good ground to talk about French influence as any which has been stated? Again: suppose, about this time, it had been said by an influential Democrat, that the Constitution was good for nothing; that parchment Constitutions would not do; that one ought to be made at the point of the bayonet; that no Government would last which was not sealed with blood; and about the same time a publication appeared in a Democratic newspaper in favor of fixing a dynasty to govern the nation from their own party; and in another, one favoring a division of the States. Could not those who now think they see French influence in everything which is done, have easily suspected that all this was connected with French intrigue? That the Constitution had been considered almost unlimited in their hands, under a clause which was not intended to give any power, and that under it a sedition law was passed to operate only on the Federal party, by which the editors of the ablest Federal newspapers and others were punished for publications defending their opinions; and that every Federalist, no matter what his Revolutionary services may have been or his qualifications and respectability, was turned out of office, because they were Federal, and that was their only fault. Would not these doings have furnished some ground to suspect that it was tinged with French Democracy?

It is worth while to examine what causes are most likely to give one nation influence with another, and how far they may support the opinion of the great influence which France is suspected to have in this country. Language may be considered the first—people who speak the same, cannot easily believe that those with whom they talk in their own tongue can be foreigners; they intermix in company without any difficulty, and without knowing or thinking that they live in different countries: the French having been the language of most of the Courts of Europe, has undoubtedly been a means in aiding them to get the secrets of other Governments, and of overrunning so many countries. I have long regretted that so many of our people were anxious to learn French. I hope it will never be naturalized in the United States. We have difficulties enough to encounter by speaking the same language with her rival: the inconvenience of both speaking the same was felt during the Revolutionary war, and gave rise, as I have heard, to a conversation between a Mr. Ellery of Rhode Island, and a friend of his. The friend thought it would be advisable for us to learn Greek, and make it a national language; Mr. E. replied, that as we had declared independence, he could not consent to give up any part of it, not even the language, but that he was willing to compel the English to speak Greek. The sameness of language must give the British an influence in this country, which no other nation can possess. Marriages identify the people of different countries—in the United States more British subjects marry than the subjects of any other Power. Commerce between countries—where people of both join the same company; and more of such companies are formed between the Americans and English than the Americans and any other people. Secret service money—England and France both have the character of knowing how to use it to advantage; it would seem that it was necessary for people to be able to talk together to carry on the nefarious bargains and doings which grow out of this fund. The sameness of language affords England opportunities for intrigue in this country, which no nation ever did or will have; they, France and England, are both willing enough to have such men as Henry amongst us; and if France had sent him, we should have heard ten times as much about him in this debate as we have; his communication would then have been a good bargain at twice the sum which is stated to have been given for it; what sum was actually given I do not

know, but if it was fifty thousand dollars, as stated, I am content. Places of amusement—the plays and players of our theatres are generally English, and almost everything connected with them tends to give us a good opinion of an Englishman, and a bad opinion of a Frenchman; everything there makes the Englishman the delight of the company, and the Frenchmen the contempt of it. And do you not recollect, sir, (Mr. NELSON was in the Chair,) if you do not, your venerable and respectable father would, was he living, that, when we were boys, the old men took great delight in telling us that one Englishman could beat three Frenchmen at sea, and two on land; nay, we were taught to consider the French the meanest people in the world, and to confirm it were told they eat frogs; and the English the greatest, and were told they lived on roast-beef and pudding. Our early prejudices were all enlisted against France—and everybody knows they are not readily got clear of.

It must appear strange to the people, that in this debate the justice of the war should have been questioned, after so many useless attempts on our part to settle every dispute we had with England by negotiation, not one of which originated in any wrong we had done. We had acted honestly and fairly to all nations; our forbearance had been so great, that the gentleman from Massachusetts said, some time past, that the then majority could not be kicked into war; and how often has it been declared in this House, by men of both parties, that we had just cause of war against Great Britain and France both, and that war ought to be preferred to any restrictive system; and now that we are at war, it seems that anything would be better than war. The restrictive system would have produced the desired effect, had it been continued and enforced; and our long forbearance and anxiety to live in peace had no other effect than to produce new insults and new wrongs.

While I think of it I will state a fact to the Committee, which is this, that as far as I am acquainted with naturalized citizens in North Carolina, they almost all agree in politics with my colleague, (Mr. PEARSON,) though some of them are among the number of my friends. He appears not to be friendly to naturalization, and I am willing to continue the law as it is. This fact proves the sincerity of us both.

I must return to Porcupine's paper, which, as well as I now recollect, never contained a sentence in favor of the Revolution, or much in praise of the Constitution, if it was praised at all; no outrage was committed which it did not approbate; a few of the outrages of that time shall be stated: The Rogue's March was played under the window of the man who drew the Declaration of Independence. The man who first took up arms after the fall of Charleston, and whose body had been almost riddled in defence of his country, was a member of Congress, and was insulted at the circus. Another member, of no common cast of mind, was insulted at the theatre; a man who will do his duty in whatever situation he may be placed. Another, returning home with his family, was insulted and almost mobbed; he is now one of the Cabinet, mentioned by the gentleman from Massachusetts, (Mr. QUINCY.) If I was not almost exhausted I would give some of the details of these then fashionable transactions. I will only add, it was nothing in those days for a few men to whip a printer whose publications they did not like. All these outrages and violations of law, it is believed, were not only approved by the editor of the before-named paper, but other Federal papers also. This same editor claimed to have more subscribers for his paper than any other editor in the Union. And after he returned to Europe, he wrote and published about some of his former supporters. Had this have been a French editor, and acted toward the Federal party as he did toward the Republican, and the subscribers to his paper Republicans, could not those who look at everything now done to find French influence, have had as good a field to hunt in as any they have yet found? At the very time these events took place, the majority talked as much about French influence as the minority now does; they had clues, tub-plots, ocean massacres, and a hundred other equally ridiculous and unfounded tales, which circulated for a day. I have mentioned these things not with an intent to wound the feelings of any man living, but with a view of trying to persuade those who talk so much about French influence to look at both sides of the question about foreign influence; and if they will I hope we shall never hear of it again in this House.

Mr. Genet, when he was Minister of France, began to intrigue, for which he was dismissed. Mr. Liston, when he was Minister of England, began the same work, for which he was not dismissed. If the Republicans had then been in power, and Liston a French Minister, could not a strict examination of the documents have placed it as easily as many other acts have been to French influence?

While all these things were doing, and many others quite as strange, the gentlemen call themselves the followers of General WASHINGTON. If they be truly his followers, they ought to adhere to his principles and attend to his last advice. Every act of his went to perpetuate the Union and to attach the States to each other. I fear the sentiments contained in his farewell address to the nation are getting out of fashion with those who claim to be his exclusive followers; or why do we hear within these walls, the foundation of which he laid for union, union, union; disunion spoken of, "peaceably if we can, forcibly if we must;" and why listen to idle and unfounded tales about foreign influence, which can never injure us as long as we stick to the old maxim—united we stand, divided we fall? Straws show which way the wind blows! What has become of the newspaper called the Washington Federalist? The name was, I have understood, changed to the Independent American; out of that, I believe, was raised the Federal Republican—all good names; but why lose the name of Washington to

a paper supported by his exclusive followers? And this is the first time to my recollection that they have adopted Republican in their calendar.

I have heard that Federalism is not now the same that it was when Mr. Adams was President: we shall know more about this if ever they get into power again; be this as it may, every man has a right to change his opinion; it is a right which no Government can take from him, and when convinced that he is wrong, it is his duty to change. But I had thought, when Mr. Adams was President, we were told that he followed the plan of General Washington, and that he was then a favorite with the party who elected him, but a great change has taken place in regard to him. I always thought him an honest man, and I think so still. After Mr. Adams got out of fashion, Colonel Burr became so great a favorite with the Federal gentlemen who were then in Congress, that they voted thirty-five times for him to be President, when they must have known that not one elector who voted for him intended him for President. Afterwards, Mr. Madison was a favorite; but, after the refusal of the British Government to ratify the arrangement made with Mr. Erskine, they examined the matter, and discovered he had not done right, and he got out of fashion. Then the late worthy and venerable Vice President and Colonel Monroe became favorites. Colonel Monroe got out of fashion about the time he was appointed Secretary of State; and, lastly, Mr. De Witt Clinton became a favorite. I hope he will not be injured by it, but he seems to be losing ground, as we have been told, it was not his merit that induced the Federalists to support him for President, but the demerit of Mr. Madison. This does not appear to be a good reason, because they might have selected a man from their own party, who they thought had merit. But all these things may be the doings of those who, a former member of this House called ultra Federalists; and it will be recollected that all these men became favorites, on the old doctrine of, "divide and conquer;" and it ought not to be forgotten that, when Messrs. Ellsworth and Davie returned from France, their political friends were a little shy of them; indeed, I should not be surprised if Messrs. Jay, King, Wolcott, and Dexter, should not much longer be favorites. If we may judge from the public prints, Commodore Rodgers is no longer one, though he, like the others, is understood to be a Federalist; but these men will never say, "peaceably if we can, forcibly if we must." I would really thank any gentleman to tell me what is now meant by the party name, Federalist.

It is a fact on record, that General Washington did not approve of self-created societies, and I have understood that some of the people who claim to be his exclusive followers, have their self-created Washington Benevolent Societies, wherever they can establish them, and that they are political societies, and they were intended to oppose some other society; perhaps the Tammany. This could not justify the proceeding. As to myself, I do not care if there was one in every three miles square in the nation, so that I am left free not to be a member.

We naturalize, without hearing a complaint from any quarter, emigrants from Great Britain, of every trade and profession, merchants, lawyers, doctors, and even divines; to which may be added tradesmen and mechanics; they all go where they please, live among us, and take part in the politics of the day. If foreign influence could be introduced into the country by naturalizing, we should have more of British than of French; but naturalizing seems well enough for everybody but a sailor, but do not permit him to become a citizen; he will be in the way of native sailors, who want encouragement; besides, we know that Great Britain will impress him, and we know as well, when her officers want men, they care not whether they are American or English. The native American has never complained that the naturalizing of foreigners of his trade or profession, injured him; nor has a complaint been heard from a native seaman against naturalizing foreign sailors; and we have had experience enough to know that our merchants could complain, and complain almost against their own complaint. Let their property be captured, or expected to be captured, under a new order in France or England, and more complaints will be made about it, than the impressing of a dozen citizens. The situation of the merchant, when plundered, is bad enough, but his property is not taken away, without a trial of some sort before a judge learned in the law, whose duty it ought to be to decide according to law; he also employs lawyers to have justice done him. Not so with the sailor; when impressed, there is no learned judge to decide his case, or lawyer to have justice done; force is law to him, and his oppressor judge; he is put on board ships, and compelled to fight battles, in which neither he or his country have any concern: deprived of the right to complain or petition; he is poor, friendless—Great God! can it be possible, that we shall yield the point of impressment, for the sake of carrying on a little trifling trade by hook or by crook!

All agree that we ought to fight for the rights of native seamen, and all agree that some of them have been impressed; why not all, then, join, heart in hand, to maintain their rights? Is it because the British officers impress from our vessels others besides natives? This cannot lessen their just claim to the protection of their country. We have, however, been told that only ninety-three persons were impressed in one year from American vessels; if only three of them had been the sons of the gentleman (Mr. EMOTT) who gave the information, I ask, would he have been contented with the long investigation of documents, to ascertain if any of the diplomatic meanders turned towards French influence? No, sir, he would not; he would have demanded of the National Government to have his children restored to his arms; he could demand this in a way to be heard. Far different is the case with

these unfortunate parents, who have had their sons impressed; they are too poor and friendless to be heard; the rights of the nation may be abandoned by little and little, until none be left; exactly as you may take a cent at a time from one thousand dollars, until none be left. All must determine to protect American seamen on board American vessels, or not hereafter pretend to claim any jurisdiction over the vessels when they are out of the limits of the United States. If a single citizen should be impressed on American land, the whole nation would be in a flame; the right to protection is the same, whether on American land or an Amercan vessel.

It has been said, that we do not act justly; that we encourage British seamen to run away, because we do not apprehend them and send them back, when they have run away from their vessels; they run away before our people see them, of course there is no encouragement to the running away. As to the sending them back, we are not bound to do it; and if it depended on me one should never be sent back, until the British ceased impressing and plundering our citizens, and I would agree that every man who engaged in the war on our side should have the right to be naturalized, though he fled from British naval tyranny.

It is remarkable that, while we hear not a word said to justify England for impressing and plundering the people of the United States, that so much should have been said to prove that we ought not to have gone to war with her, and that we were wrong in doing so. This is the best way that could have been devised to keep her aggressions out of view; not to say a word about them, and talk a great deal about the hardships of war, and the taxes which must be imposed to carry it on, winding up all their lamentations for the state of the country, with, if it was not for the war, a little trade could be carried on. Impressment, then, is a mere trifle, compared with this trade, and it may be that Great Britain understands it so, and is willing to gratify us with this trade for kin-sake, as long as we are contented to be impressed for kin-sake. The citizens who are impressed would tell her, if telling would release them, that nations are no kin.

This surely has been the most unfortunate Government from its establishment to the present time that ever existed; almost eveything that has been done is wrong: It was wrong to fix the seat of Government here; it was wrong to place this House and the houses for the offices so far from each other; it was wrong to give paper protections to American seamen; it was wrong to have a little mercy in the revenue laws; it was wrong to repeal the internal taxes; I believe that was called oppression—though I am no prophet, I venture to predict, that to lay them to carry the war on will be wrong also; to take Canada would be wrong;—indeed it would be difficult to find anything which has been done right, according to the modern Federal creed. How are we to get things right? Give up the Chair you are in to one, the White House to another, and they will soon give you a sedition law which will put all right. The great discovery which these gentlemen have made, that so much has been wrong under every administration, would surprise the people, were they not this moment astonished at the discovery of perpetual motion by Redheffer—two such great discoveries must add vastly to the character of the nation.

The attempt to take Canada is so wicked that some of the gentlemen are quite alarmed at it. We hear of the unoffending Canadians, but not of the unoffending sailor; at one time they are the most unoffending and loyal people in the world, at another they are French, and not fit to be united in our Government. We have heard much of the same sort formerly said about the people of Louisiana, and they have become a State, without any trouble to themselves or the Union. What has become of that high Federal spirit which disdained to buy Louisiana? where is it when Canada is mentioned? The Federalism which desired to conquer Louisiana and keep it by force of arms, is changed when Canada is the question. The outrageous conduct of Great Britain is as much worse than that of Spain, as her impressment and plundering were worse than the refusal of the right of deposite. For one, I am willing to have Canada and Florida, and have them you must before many years. The situation of Mobile is such as to compel you before very long to take possession of it. Canada and Florida would rid us of bad neighbors, and make us more happy.

It has been said by a gentleman from Virginia (Mr. Sheffey) that it was a favor conferred on a sailor to be naturalized by England, because then he had a right to go on board her vessels; I really wish the gentleman would tell me whether he ever heard that an American sailor had applied for the favor; sad experience has taught him that he can get on board some of her vessels without being naturalized and without his consent. If it be a favor to be naturalized there, it is no favor here where there is no authority to get him on board without his consent. Though we have this day for the first time heard it said by the gentleman from New York, (Mr. Emott,) if we mean to be a maritime nation, we shall have to come to impressment or something like it, I hope he is mistaken, and that there never will be an authority in this Government to impress the citizens into its service. I have long expected that the navy men would some day or other think and talk of impressment, and it has been an objection with me to the building of a navy. The difference of the situation between an American and British sailor is beyond all comparison.

The same gentleman told us, what he had before told us, that the Canadians were not fit for our Government. From the observation, I suppose he meant those who may be called French Canadians; I have so often heard this asserted of them and the Louisianians, that fatigued as I am—though I do not believe that the blood of one nation is better than that of another—I must say, that the English was scarcely a second rate Power

before William the Conqueror; and that from his time they have been a first rate one. In truth, the liberty which that nation has enjoyed, is owing to the descendants of the Norman barons.

The gentleman also told us, that the army might turn their arms against the country. It is possible that this may be done, though I do not believe that it will. This is however going on the ground, that there is no patriotism in the officers or privates. I see men who were in the Revolutionary army; I ask them if there was no patriotism among them? It was to be found in every grade. The Pennsylvania line was once, during the war, highly agitated. At that very time they convinced the world that there was patriotism in the ranks; they convinced the emissaries who got among it, as well as everybody else; and what might now be thought strange by some people, there was a good many Irish in it. They neither thought of turning their arms against the country or of joining the enemy; they wanted only the pay which was due them. The Newburg letters have been alluded to in the debate. Does the conduct of the army at that time furnish a fact on which to ground an opinion, that it would have turned its arms against the country it had defended, and the independence it had maintained? The case of Andre proves, that it is not necessary for men to be rich, to be patriotic; every effort which was made to induce the honest and patriotic farmers to let him go, was an inducement to them not to let him go. The argument that the army might turn their arms against the country, is no stronger against the present army than it would be against any other, and ends in this; that we must never maintain our rights by force against foreign nations, because the army which maintains them may turn their arms against their own country. Only settle this point, that you will not defend your rights by an army, and England and France will immediately make more free with our people and property than they have done. The officers to this army have not been appointed by the same rule, by which those for the army of 1798 were. In the present, men of every political opinion have been appointed. In that, no one who was not believed to be of the ruling party was appointed. It would seem from this that there was not the same reason to apprehend danger to the liberties of the people from this army as there was from that. It was about that time declared in the House of Representatives, that no Administration ought ever to appoint a man to office who did not agree with it in politics. I then thought the doctrine wrong, and think so still. This is not a question about a standing army in time of peace. No man is more opposed to one than I am in time of peace; and whenever it shall come, if I should then have a seat in the House, I shall be willing to reduce the number to as few as any other member. But we are at war, and that war ought to be carried on by regular soldiers: if you attempt to carry it on by militia, and it should last a few years, you will destroy the agriculture of the country, and that would be wrong. This war is like everything else which has been done—to begin it was wrong, to continue it was wrong, to make a bad treaty to get peace will undoubtedly be wrong; and can we expect a fair and equal one without we are in a situation to enforce our rights? We have been told that the Administration ought to insist that Great Britain should abandon impressment—insist how? not on paper, because that had been sufficiently tried before the war. To insist with effect, must be by force. Only let a treaty be made, in which the rights of the nation shall not be secured, and you will then hear a noise about wrongs. The war is not approved by the people. There is no fact to prove this within my knowledge. The President, under whose administration it was determined to defend our rights by force, has, it is believed, been re-elected. After all, I verily believe, had the gentlemen been in the majority they would have voted for war. I could lay my hand on him who is too magnanimous to deny it.

The gentleman commented very largely on an expression used by me some time past respecting the patriotism of the people of the Western country. I repeat it again, that the patriotism of the Western country was never surpassed by Greece or Rome in their best days. The gentleman himself did not deny it, in his eloquent argument to prove that we ought not to conquer the world. There is no danger of our attempting it, if we cannot get men or money to maintain the rights of the nation. I have no more desire than the gentleman himself to conquer the world, though I am willing to get clear of a bad neighbor or two, by adding Canada and Florida to the United States.

The gentleman also told us, that as long as we remained free, we should be feeble. I never heard before that freedom made a people feeble. This is the strangest of the strange things which I have heard during this debate. I had thought that the little freedom which England enjoyed had made her a full match for France; that it was the freedom of Holland, Venice, and Genoa, which made them able for so many years to maintain and defend their rights;—the Greeks and the Romans were not feeble when free. I had thought that the strength of the nation depended in a great measure on its freedom, when the governors had energy enough to bring its resources into operation.

He, like many others, told us that England would have accommodated. Neither he nor any one else has proposed to offer her more than has been offered, and which she sarcastically refused. It would require a Redheffer to discover what project could have been offered without yielding the point in contest. No accommodation could be more agreeable to her than her system of impressment and plunder. It is out of my power to notice more of the gentleman's observations, though I had intended to do it.

The idea of possessing Canada appears to alarm some of the gentlemen as much as the expectation that the world would be at an end last year did many good people; and the attempt to fix French influence on the Administration is not better founded than the old tale of the tub

plot, and if a serious charge could be made against it we should never hear of this.

If we mean to be respected as a nation we must determine never to relinquish the point we are now contending for. Let us imitate the example of our fathers, who determined to be independent, and not to think of peace without it. Let us determine not to think of peace until the rights of American seamen are secured, and let us convince England and France that we can be free, united, and maintain our rights. I cannot, sir, finish what I intended to say—I must sit down or sink in my place—we must maintain the rights we are contending for, or the nation will sink!

The Committee then rose and reported the bill.

The several amendments made in Committee of the Whole were agreed to by the House.

Mr. Fitch again moved to strike out the 4th section, giving the President exclusively the appointment of all officers under the rank of field officers.

The question was decided in the negative by yeas and nays. For the motion 34, against it 74, as follows:

Yeas—John Baker, Abijah Bigelow, Harmanus Bleecker, Adam Boyd, Elijah Brigham, Epaphroditus Champion, Martin Chittenden, Thomas B. Cook, John Davenport, jr., William Ely, James Emott, Asa Fitch, Edwin Gray, Jacob Hufty, Richard Jackson, jr., Philip B. Key, Lyman Law, Joseph Lewis, jun., Archibald McBryde, Jonathan O. Moseley, Timothy Pitkin, jr., Elisha R. Potter, John Randolph, William Reed, Henry M. Ridgely, William Rodman, Richard Stanford, Silas Stow, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Laban Wheaton, Leonard White, and Thomas Wilson.

Nays—Willis Alston, jr., William Anderson, Stevenson Archer, Ezekiel Bacon, David Bard, William Barnett, Burwell Bassett, William W. Bibb, William Blackledge, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, Francis Carr, Langdon Cheves, Matthew Clay, James Cochran, William Crawford, Roger Davis, John Dawson, Joseph Desha, Samuel Dinsmoor, Elias Earle, William Findley, James Fisk, Meshack Franklin, Thomas Gholson, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, John A. Harper, Aylett Hawes, John M. Hyneman, Richard M. Johnson, Joseph Kent, William R. King, Abner Lacock, Peter Little, William Lowndes, Aaron Lyle, George C. Maxwell, Thomas Moore, William McCoy, Alexander McKim, Arunah Metcalf, Samuel L. Mitchill, Jeremiah Morrow, Hugh Nelson, Anthony New, Thomas Newton, Stephen Ormsby, Israel Pickins, James Pleasants, jr., Benjamin Pond, Samuel Ringgold, Thomas R. Robertson, John Rhea, John Roane, Jonathan Roberts, Ebenezer Sage, Lemuel Sawyer, John Sevier, Adam Seybert, George Smith, John Smith, William Strong, John Taliaferro, George M. Troup, Charles Turner, jr., Robert Whitehill, David R. Williams, William Widgery, and Richard Winn.

And the bill was then (half past six o'clock) ordered to be engrossed for a third reading, without a division.

And on motion, the House adjourned until tomorrow.

Wednesday, January 13.

Mr. Newton, from the Committee of Commerce and Manufactures, presented a bill to impose a duty on the importation of iron wire; which was read twice, and committed to a Committee of the Whole on Friday next.

Mr. Gholson, from the Committee of Claims, presented a bill for the relief of John Thompson; which was read twice, and committed to a Committee of the Whole on Monday next.

The Speaker laid before the House a letter from the Secretary of the Treasury, transmitting statements of the annual revenue of the United States, from the commencement of the Federal Government until the 30th of September, 1812, with an account of expenditures within the same period, made in obedience to a resolution of the 24th ultimo; which were read.

The bill from the Senate "giving further time for registering claims to land in the Eastern district of the Territory of Orleans, now State of Louisiana," was read twice, and committed to the Committee on the Public Lands.

Mr. Stow, after observing that it was the peculiar province of this House to provide the ways and means for the support of Government, and that in the commencement of an arduous conflict with a powerful nation, it became them to lay a secure foundation for its adequate support; offered the following resolution, with a view to its lying on the table:

Resolved, That the Committee of Ways and Means be instructed to prepare, and lay before this House, with all convenient despatch, such bills as may be best calculated, in their opinion, for providing, with certainty, means commensurate with the national expenditure, and to preserve, unimpaired, instead of abusing the public credit, on which the public resources so eminently depend.

The House having agreed to consider the resolution—

Mr. Cheves, after observing that the subject of taxation had not been agitated in the Committee of Ways and Means, at the present session, remarked, that he should fail in his duty at this time, when a resolution calculated to impair the public credit was introduced, if he did not couple with it the facts connected with the ways and means of the present year. It would be remembered that, previous to the declaration of war, the House had passed certain resolutions, founded on a detailed report of the Committee of Ways and Means, accompanied by a report of the Secretary of the Treasury. The principle of the report was, that a revenue adequate to the current expenses of the year, and to defraying the interest of the old debt, as well as the new debt to be created within that year, ought to be provided. This principle, however, on which the war was commenced, had been more than attained without the aid of additional taxes, which therefore were not necessary for the year 1813. The revenue for the year 1814 must be provided for; and this subject might be acted on at the present session, or at such session as might be

thought expedient by the proper authority. He had risen, he said, merely to do away the impression that the public credit would suffer in the year 1813 from the omission to impose taxes. His opinion was that the subject could not be too soon acted on, although without it the credit of the country would be supported.

Mr. STOW disclaimed any intention to impair the public credit. He had no such view.

The resolution was ordered to lie on the table.

MOUNTED RANGERS.

On motion of Mr. JENNINGS, the House took up the resolutions moved by him a day or two since; one of which proposed to require the Military Committee to inquire into the expediency of raising twelve companies of mounted rangers; and the other, to inquire into the proper mode of compensating the mounted volunteers who had lately gone into service.

The first of these resolutions being under consideration—

Mr. WILLIAMS remarked, that the act authorizing the raising of seven companies of mounted rangers would not expire before the end of the next session of Congress. The real question, therefore, was, seven having been already provided, whether five additional companies were necessary for the protection of the Western frontier? He conceived not; and more especially, when, by the bill now on its passage through this House, twenty regiments were proposed to be raised for precisely the term which was contemplated in the resolution.

Mr. JENNINGS said, that he had not been aware that the law authorizing the raising seven companies of mounted volunteers, did not expire until the next session. But the gentleman was mistaken in supposing the twelve months' infantry would answer the purpose he had in view. Mr. J. described the nature of the service on the frontier, the rapidity of motion which was necessary either in advancing or retreating. By the time Spring arrived, Mr. J. said, the Indians would pour in on every quarter of the frontier, and other force was necessary to protect its population than infantry.

The first resolution was negatived, as was the second.

The third, respecting the pay of the mounted volunteers, was agreed to, amended as follows:

Resolved, That the Committee of Ways and Means inquire into the expediency of making provision for compensating the militia or volunteers who may have been called out, or whose services may have been accepted by the Executives of either of the States or Territories of the United States.

ADDITIONAL MILITARY FORCE.

The bill, in addition to the act passed at the last session "to raise an additional military force"—the object of which is to raise twenty regiments of men for one year, if deemed necessary by the President to the public service—was read a third time, and the question stated, "Shall the bill pass?"

Mr. CUTTS spoke in reply to former remarks of Mr. QUINCY, in support of the bill.

Mr. KENT.—Mr. Speaker, it is with great reluctance I rise to trouble the House with any remarks of mine, at a time when their patience must be so completely exhausted, by the unusual length of the debate which has already taken place upon the subject before you. The bill on your table proposes to raise an additional military force of twenty thousand men, and it has been objected to on account of its expense, and the consequent danger growing out of it to the liberties of our country. We are, sir, in a state of war; and what is evidently the course which we should pursue whilst in that situation? We should advocate and support such measures as are calculated to bring that war, justly made on our part, to a speedy, honorable, and successful conclusion. Viewing the bill on your table as a measure of that description, I shall give it my support, regardless of that additional expense, which gentlemen so emphatically dwell upon. Nay, sir, it is better to expend the thirty millions of dollars (even if that sum was necessary) so repeatedly spoken of on the other side of the House as the cost of the war for two years, to accomplish our object, than to expend the same sum in five years, even if we could effect our object with equal certainty.

However commendable economy may be in every other situation of life, in war it is inadmissible; it loses its character; it becomes parsimony: you might as well attempt to unite profusion and avarice as war and economy. All that the utmost prudence can require of you when in a state of war, is to make your means ample; lay your plans well; and to the judgment and the skill in these particulars only can you look for economy or for savings; for the want of an inconsiderable supply of men or money, a campaign might prove disastrous, to recover which would require an immense sacrifice of blood and treasure.

The Army has been represented as dangerous to the liberties of the country. At one moment we are told that, when it shall be completed, it will be unequal to the conquest of a petty province adjoining us, and not exceeding in population the State of Maryland; the next moment we are told that it will endanger the liberties of seven millions of freemen. Arguments thus paradoxical need no refutation. Sir, I do not pretend to have any military experience, and I am willing to concede the point to those possessing it, that men enlisted for three or five years are preferable to those enlisted for one year as proposed by the bill; yet I feel confident that every object will be accomplished by this bill that is intended. It is not proposed to rely solely on an army of this description to carry on the war; you have nearly a sufficient military force authorized for five years, and you want the men to be raised by this bill only as auxiliaries, till the ranks of that army can be filled. With these observations on the bill before you, I shall proceed to make a few remarks upon what has fallen from gentlemen on the other side of the House; in doing

which I shall endeavor to confine myself to what has not been noticed by others, or, if attended to, not sufficiently so.

If I understood an honorable gentleman from Connecticut correctly, who addressed you the other day, (Mr. PITKIN,) he said we were contending for the employment of foreigners. We contend, sir, for nothing which, as an independent nation, we are not entitled to, and which the laws of nations do not guarantee to us. What have been the propositions heretofore made by our Government to Great Britain upon this subject? I find, by a recurrence to the correspondence of Messrs. Monroe and Pinkney with that Government, in 1806, that we made the following propositions, the most material of which were omitted yesterday (not intentionally I hope) by the gentleman from New York, (Mr. EMOTT.) Here Mr. K. read the following proposals from the public documents of 1807 and 1808. We offered—

1. To afford no refuge or protection to British seamen.
2. To deliver them up if they took refuge among us.
3. To make laws for restoring them.
4. To aid in searching for, seizing, and restoring them.
5. To keep them in our prisons when requested.
6. To prohibit our citizens from carrying them off.
7. To prohibit their employment.
8. To make penal laws for punishing their employers.
9. To make it our duty to restore them.
10. To extend the foregoing provisions, not only to deserters, but to all sea-faring people.

These propositions went completely to secure to Great Britain the services of all her sea-faring subjects, except such as were naturalized under our laws, which amounted to but few, indeed; thirteen hundred British seamen only having been naturalized since the commencement of our Government, and, in all probability, an equal number of our seamen have been naturalized by Great Britain during the same period. Yet, to my astonishment, have I heard it stated, during this debate, that our Government had made no serious propositions to secure to Great Britain the services of her seamen.

But equitable as these propositions were, they were rejected. Notwithstanding, sir, our Government, anxious in their pursuit after peace, have gone still further; they have, through our late Chargé d'Affairs in London, (Mr. Russell.) proposed to Great Britain to exclude from our naval service, as well public as private, all her seamen, including those which may hereafter be naturalized, and notwithstanding the liberality and justice of this proposal, it, like all others, has been made without producing the desired effect. And what more, sir, could have been asked of us, required, or granted, than is contained in these offers? Nothing more, unless, indeed, they had asked for our independence, and, yielding to the requisition, we had granted it. When an American vessel is at sea, it is amenable to no laws but those of its own country and the laws of nations; and where, in either of these, will the advocates for impressment find their justification? Sir, had not the practice of impressment been treated as a casual, a trivial circumstance, during this debate, I should not have presumed to trouble the House with my desultory remarks; and my principal object in addressing the House, was to ask their attention to a document which appears to have been overlooked, and which, if necessary, will place the abomination of that practice in colors too strong to be mistaken.

Here Mr. K. read the following extract of a letter from the Secretary of State to Mr. Monroe, dated January 4, 1804—

"The whole number of applications made by impressed seamen to our Consul in London, between the month of June, 1797, and September, 1804, were two thousand and fifty-nine. Of this number, one hundred and two seamen only were detained as British subjects, which is less than one-twentieth of the whole number impressed. Eleven hundred and forty-two were discharged, or ordered to be so, and eight hundred and five were detained for further proof, with the strongest presumption that the greater part, if not the whole, were Americans, or other aliens, whose proof of citizenship had been lost or destroyed."

It is, then, evident, from this document, that, for every British seaman obtained by this violent proceeding, a number of Americans, or other aliens, with whom Great Britain has no right to meddle, not less than twenty for one have been the victims to it. Sir, have we become so lost to the real independence and sovereignty of the country, that we are prepared to yield to this degrading, debasing, and humiliating badge of vassalage!

The Romans, of old, had a practice of making the Governors of those countries they conquered pass annually beneath their yoke, as a mark of submission; but we, doomed to humiliation far greater, are made to pass daily, nay, hourly, beneath one much more galling. Some gentlemen object to the propositions made by Mr. Russell, and assert that he was not authorized. They should recollect that Mr. Russell's letter, containing this final offer to the British Government, was communicated to this House by the President, and, had it not met with his concurrence, it is presumable he would, in his communication, have expressed his disapprobation towards it. Nay, a similar offer has been made by the Secretary of State to Admiral Warren.

I know not whether the feelings of shame or indignation predominate in my breast, when I see gentlemen constantly laboring to place their own Government in the wrong; and, in contradiction to the official records of this House, insist that we are contending for the employment of foreigners.

The language of our Government upon that subject, is this, sir: that, if the oppressed and unfortunate inhabitants of Europe, escaping from their tyranny and panting after their long-lost

liberty, seek a refuge in our happy country, upon their compliance with our naturalization laws, we are willing to extend to them those blessings we enjoy; but should they become dissatisfied with the advantages which the interior of the country afford them, and they think proper to depart from our shores, we say to them, we will not risk our peace for their protection beyond our territorial limits. So far from our contest with Great Britain being for the employment of her subjects, it is a contest for shielding a large and valuable portion of our fellow-citizens from British thraldom, under the lash of which they have too long labored; and who will dare discriminate in that protection which is equally due to all, that is due to the meanest individual in the community, and withhold it from a class of men who have done honor to the American character, and covered themselves with glory?

What American citizen is so lost to a sense of his duty as to abandon the freedom of commerce for a pittance of trade, to be held only at the sufferance of a jealous and implacable foe? Who is it that is willing to see one of his fellow-men placed in one scale, and balanced with a cent in the other? for that is the real contest. War was declared under circumstances that left us nothing to hope for from the justice or magnanimity of our enemies, and the abandonment of the high ground vauntingly assumed by the Prince Regent in April last, and reiterated by his Minister here, at the moment when the declaration of war was under discussion, can be attributed only to an apprehension of war; for, whatever might have been the effects of our restrictive system upon them, they never attempted any modification or relaxation of their Orders in Council, (which went to regulate our foreign intercourse,) until the act laying an embargo, and avowed as a preliminary measure to war, reached that country.

We made war, not for one particular injury, but for a long catalogue of wrongs, and until there is a final adjustment of the most prominent of those differences, that peace which can be procured without it must be precarious, indeed, if not dishonorable. The gentleman from Massachusetts (Mr. QUINCY) said, the other day, "that, 'whenever propositions for a reconciliation with 'Great Britain had been made, they had been in-'variably preceded or accompanied by some mea-'sure calculated to insure their rejection." I cannot account for such an assertion, unless, in the language of the poet, I should say:

> "Trifles, light as air,
> Are, to the jealous, confirmation strong
> As proofs of holy writ."

Was not the arrangement with Mr. Erskine proof positive to the contrary? What unfriendly measure accompanied that arrangement? None. Did not good men of all parties rejoice at it? Was not the restoration of a friendly intercourse between the two countries hailed as a national blessing from Maine to Orleans? Nay, was there not a contest on this floor among gentlemen about who should be the first to attest their approbation of the President's conduct on that occasion? Yet the arrangement was rejected on the ground that Mr. Erskine was not authorized. It was immaterial, sir, whether he was authorized or not, as respects the disposition of the Government or the people of this country towards Great Britain; if he was authorized, the arrangement should have been fulfilled; if he was not, all they had to do was to authorize him or some other agent; and harmony and friendship, so much to be desired, would have been instantly restored between the two countries.

A gentleman from New York (Mr. EMOTT) observed yesterday, "that we had no cause of war when it was declared." In order to refute that remark, I will ask the attention of the House for one moment to what were the sentiments of that gentleman and his friends at a former period, when the differences between this country and Great Britain first assumed a serious aspect. Here Mr. K. read the following extract from a memorial from the town of Boston, similar ones to which had been presented from every seaport town in the country—

"While your memorialists have witnessed with mingled feelings of indignation towards the perpetrators, and of commiseration for their unfortunate countrymen, the insults and barbarities which the commerce of these States have sustained from the cruisers of France and Spain, it is their object in the present memorial to confine their animadversions to the more alarming, because more numerous and extensive detentions and condemnations of American vessels by Great Britain, and to advert to the principles recently avowed and adopted by her courts relative to neutral trade—principles which, if admitted or practised upon in all the latitude which may be fairly inferred to be intended, would be destructive of the navigation, and radically impair the most lucrative commerce of our country."

Shall I remark to the House, that to this memorial is attached the respectable signature of James Lloyd, now a Representative from the State of Massachusetts, in the other branch of the Legislature? The language and sentiments of these memorialists were just, and were correctly pointed at that time against Great Britain alone, and met the approbation of both Houses of Congress and of the nation. It was, sir, the publication of these papers which first attracted the attention of the American people, and pointed their indignation against the Government of Great Britain for intolerable aggressions, which, to this day, are unatoned for.

Sir, I should be glad to know in what subsequent act of the British Government the gentleman and his friends found a mitigation of those indignant feelings so justly and ably portrayed in those memorials; by what subsequent act of aggression were they reconciled to those destructive "principles adopted by the British courts," and spoken of by them with so much abhorrence? Were those acts of unrepaired violence converted into innocence by the attack on the Chesapeake frigate the June following; by the degradation of our flag; the murder of our citizens, and the seiz-

ure of four of her crew, one of whom they hung, another they flogged to death; and, changing the scene from tragedy to farce, as a reparation for this injury, (for the pittance of a pension offered the wounded and the friends of the slain never should be taken into consideration,) the other two were restored after five years imprisonment? Was the wrath of the gentleman and his friends appeased by her Orders of Council of November, 1807, less than one year after the date of these memorials, by which we were required to send all our produce into her ports, there to pay whatever duties His Britannic Majesty's Government might think proper to impose upon it, and they would then permit us to proceed to a market, upon the condition that we would on our return pass again through her ports and pay a similar duty on our return cargo?

Sir, the history of the world does not furnish an instance of equal audacity, of equal outrage, offered to a free people; and that was the moment when we should have arrested the progress of her injustice; the whole nation would have been with us. But inasmuch as war was not declared against Great Britain at that time, I rejoice at the marked disapprobation of the people of my native State towards such an invasion of their rights. The moment a cargo arrived, which had been contaminated by the payment of such a tribute, it was carefully collected and consigned to the flames, and their detestation of such an attack upon the sovereignty of the country conveyed to the skies in "curling smoke."

I could proceed, and step from aggression to aggression, committed upon us by Great Britain, from the date of these memorials until the moment war was declared, but I will forbear; the inconsistency of the gentleman, and the unsoundness of his remark, is too obvious to require it.

I am as anxious for peace as any gentleman in or out of this House, and would willingly make any sacrifice consistent with the honor and integrity of the country to obtain it; but I know of no mode by which you can come at it but by a successful application of the bayonet; for every overture for a reconciliation before or since the declaration of war has been rejected.

The gentleman from Massachusetts (Mr. Quincy) appears to think his own Government capable of everything treacherous and dishonorable; but considers our enemies incapable of any act that is not loyal and honorable. I do not envy the feelings or patriotism of any gentleman that could for a moment permit him to make such a comparison.

Great Britain has had it repeatedly in her power to place us in the situation towards her enemy, which repeated acts of injustice on her part has placed us towards her; but every occasion has been contemptuously rejected, and if she suffers in the conflict in which we are engaged, the sin will be with her, not with us; and if the gentleman from Massachusetts, and those who think proper to act with him, would make the same exertions to serve their country which they make to serve a party, we should be the most happy and prosperous people under the sun. The gentleman from New York (Mr. Bleecker) the other day observed, "that since the declaration of war the constant cry has been that all opposition must cease." I know of no act of the Government, sir, or of those connected with it, that will bear the gentleman out in such a remark. Where in this happy country can be found one instance of oppression or persecution? And I feel confident that, should the Government err, it will be on the other side. But I would ask that gentleman, when in a state of war, forced upon us by the aggressions of a foreign Power, what would be the course pointed out by sound discretion and real patriotism? The first inquiry would be, has the Government been administered agreeably to the Constitution; was war declared by the constituted authorities of the country? Being answered unquestionably in the affirmative, the proper course to be pursued in such a situation then is, to invite harmony and union among the people, to put down our common enemy; this being done, if abuses exist in the Government, correct them; if there should be corruption in the body politic, cleanse it; and I pledge myself to go as far as any gentleman in measures thus salutary.

During this debate, repeated reference has been made to what passed between Messrs. Monroe and Pinkney, and the British Commissioners, pending their negotiations in England in 1806; and it has been supposed by some gentlemen that some concession was made at that time by the British Government relative to impressment.

Sir, I positively state that the British Government conceded nothing upon that subject, and the practice of the British naval officers, and the correspondence of the parties support me in this declaration. The British Commissioners in their letter to Mr. Canning, dated August 10, 1810, state that they did not, in what passed between them and the American Ministers, "pledge 'their Government to abstain in future from the 'practice of impressing from American mer-'chant vessels, but did mean to pledge the Brit-'ish Government to make its cruisers observe 'the utmost moderation, caution, and forbear-'ance in the exercise of that practice."

Sir, the treaty was silent upon the subject of impressment, and the British Commissioners say, "the treaty was in itself complete and unconditional, and subject to no reservation on either part, except what was expressed in the note of the 30th December," wherein Great Britain reserved the right, notwithstanding the treaty, to chastise us, if we did not resist France in the way and manner most agreeable to her.

Again, sir, the British Commissioners, in their note of November 8, to Messrs. Monroe and Pinkney, and which contains all the concession, if it can be called concession, upon the subject of impressment which was made, they remark "that instructions had been given, and shall be repeated and enforced for the observance of the greatest caution in the impressing of British seamen from

American merchant vessels." The treaty made with the British Government (and connected with the discussions pending its negotiation was the promise to be cautious in the exercise of the practice of impressment on board American vessels) was concluded in England on the 27th of December, 1806, and delivered to our Government the 15th of March following, and in the month of June next, three months only after the receipt of the treaty, so cautious and moderate were the British officers in the practice of impressment, that they attacked one of our public vessels before alluded to, and impressed four of her crew. I mention this, sir, as one instance only of the melancholy proof of that "caution" in the practice of impressment, promised by the British Commissioners, and which was all the concession made by them to Messrs. Monroe and Pinkney relative to impressment, the practice of which, when extended to the vessels of the United States, reduces us to a species of vassalage, which we are bound successfully to resist or sink in the attempt.

Mr. RANDOLPH rose, apparently laboring under the effects of a serious indisposition, and addressed the Chair.

I rise (said he) with a heart saddened by the disgrace of our common country, and sickened by the way in which the business of the State has been managed.

Of the temper and virulence which have manifested themselves in this debate, I shall not have any occasion to divest myself in the course of the very few remarks which I fear I shall be enabled to make, because towards them I have no purpose. Indeed, when I look around me, I am exceedingly sad; and I know not now if it will be in my power to go on.

I had intended, if time and health permitted, to address to this Assembly some few observations, confined principally to the change which has taken place in the relations of our country since the declaration of war, not only respecting that belligerent with whom we are engaged in hostilities, but her adversary also. But the course that this debate has taken imposes upon me a painful duty, which I trust God will give me strength to discharge: the duty of reviewing past transactions in the Government, which, from my heart, I would, instead of bringing them up on the present occasion, gladly discharge from my memory. But self-defence is the first law of nature. The merest reptile, the worm itself, will turn when trod upon. Nor is the force of the blow lessened by its being dealt, as in the present case, by the hand—I will not say under the garb and circumstances—of Friendship.

It was my lot, sir, and I may assuredly say my misfortune, to take some little share in those transactions which brought about a civil revolution in the Government of this country. I hope that I am understood. I feel I shall be understood, when I speak of this, by all wise and good men; and it is with them only that I wish to hold intercourse—to commune. It is of their good opinion alone that I am ambitious, if indeed ambition dwell anywhere in my heart.

Let me endeavor to recall to recollection the state of things about the period when I had the unhappiness to dedicate myself to political life.

Through the opposition, bold but just, which was made by myself, and those associated with me to the measures of that Administration, an entire change was effected in the control of the Government. One Administration was ejected from power, and another took its place. Is it necessary for me to descant upon the topics of difference which then separated the two great parties in the Government? Is it necessary for me at this time of day to make a declaration of the principles of the Republican party? Is it possible that such a declaration could be deemed orthodox when proceeding from lips so unholy as those of an excommunicant from that church? It is not necessary. Those principles are on record; they are engraved upon it indelibly by the press, and will live as long as the art of printing is suffered to exist. It is not for any man at this day to undertake to change them. It is not for any man who then professed them, by any guise or circumlocution, to conceal apostacy from them, for they are there—there in the book. What are they? They have been delivered to you by my honorable colleague—what are they? Love of peace, hatred of offensive war; jealousy of the State Governments towards the General Government, and of the influence of the Executive Government over the co-ordinate branches of that Government; a dread of standing armies; a loathing of public debt, taxes, and excises; tenderness for the liberty of the citizen; jealousy, Argus-eyed jealousy, of the patronage of the President. From these principles what desertions have we not witnessed? Will you have a list of them? I shall not undertake it; but I will state to you in one word one of them. I do pronounce, and I challenge any man to prove to the contrary, that the vote which was taken last evening, to strike out the section of the "Additional Army Bill" which gives exclusive power to the President to appoint all officers of that army under the grade of field officers, was the test, the touchstone, of Republican and Anti-Republican principles. And, had that clause been in a Military Bill at that day before this House, not one of the supporters of the then President of the United States would have failed to vote for expunging it. If you can bring me a single instance in which the party then calling itself Republican did vote for enlarging the patronage of the President of the United States—especially his military patronage, where it was then brought into question—I will give you my life. There is no instance of it. I say that the vote taken on that question last night is a test of strength of parties in this House.

Principle does not consist in names. Federalism is a real thing—not a spectre, a shadow, a phantom. It is a living addition to the power of the General Government, in preference to the power of the States; partiality for the Executive

power, in distinction to that of the co-ordinate Departments of the Government; the support of great military and naval force, and of an "energetic" administration of the Government. That is what is called Federalism. Yes, an energetic Administration, not in its real, but technical sense; for it has a sense as technical as any in our laws. *That* is Federalism. And, when I am opposing the course which looks toward the rearing up of great Military and Naval Establishments, of an extent not only incommensurate with the necessity but the ability of my country, I care not with whom I vote; I will be true to my principles. Let any man lay his finger upon a vote in which, since I have had the honor (if, indeed, it be an honor) of a seat in this House, I have departed from those principles, and I will consent that, *quoad hoc*, I am a Federalist. But it will be in vain to search for such a vote.

So strenuous, sir, had been the contest—so hot the spirit of rivalship between the two contending parties—that, after the Revolution of 1801, a curious spectacle was presented to this nation and to the world—a spectacle which, I am bold to say, never did before make its appearance in any Government, and never will appear again. It was this: that, as if the character that each party had borne when in collision with one another was indelible, the two parties, after power was transferred from one to the other, did actually maintain the same character which they had derived from impressions received during their late conflict: and the admiring world saw with astonishment the case of an Opposition minority attempting to force upon a reluctant Administration patronage and power, which that Administration put by, and sternly refused to accept. Yes, sir; for a time, so completely had the Republicans been imbued with the principles which they professed whilst in a minority, that, after becoming the majority, the Federalists pressed on their old adversaries power and patronage, to which they absolutely opposed themselves, repelling for a season every project of the kind. Is it necessary for me to allude to the reduction of the Army—to say by whom it was made? Sir, the proposition for it was originally made by the personage now addressing you; it came from what was then considered the Governmental side of the House. And by whom was it opposed? By gentlemen who had so long fought under the banners of a Government of "energy," that they were not content to submit to the diminution of its patronage or its power, even in the hands of their political opponents. I speak of facts. Such a case will never occur again. Nay, indeed, in a little time, the sweets of power had their effect on one side of the House, as the frowns of adversity had upon the other; and, after a while, the court and country parties as easily changed sides as right and left do when a man turns upon his heel.

Yes, sir, the tone of this House was soon changed. We succeeded, however, in the reduction of the Army; but I will trust to the recollection of gentlemen, upon all sides of the House, by what instrumentality this change was effected. The Commander of that Army was retained in his position. I have not leisure, health, or strength, to go into the details; gentlemen will remember them. Meanwhile, peace with this country was negotiated in France by the Commissioners sent by Mr. Adams, and was followed up very soon afterwards by the short respite that the truce of Amiens gave to European combatants, wearied rather than satiated with slaughter. These events placed this country in the happiest condition. Of the proceeds of the direct and internal taxes voted by the predecessors of the administration of Mr. Jefferson, one moiety at least came into the Treasury after their dismissal from office. But these proceeds were not necessary to give an overflow of money into the Treasury, which we never ceased to have until we departed from those principles of government and that policy which brought us into power. We sailed on for some time in the full tide of successful experiment, unobstructed by squalls or adverse gales, if we except only the Yazoo breeze. That question was, if I forget not, the first cause of a breach between those persons who had a direct lead in the Government of the country. There were men who did not hesitate, in opposition to all the heads of your Departments, to throw themselves into the breach at that time attempted in the Constitution of the country, to defend it, and to defend it with success. It appears, from some documents that have lately been laid upon our table, that errors of that day have been perceived, and that tender consciences which at that time revolted, are now entirely reconciled to the compromise which was then stamped with the reprobation of almost every honest man from Georgia to Virginia. There were considerations of personal feeling which gave to other parts of the Union, and to certain individuals therein, a bias on that subject; and I should be extremely sorry to be considered as passing anything like general censure upon the advocates of that measure in or out of this House. I refer only, of course, to those who were not parties concerned in the fraud.

At that time, sir, all was prosperity and joy. At that time were accumulated in the Treasury those surplusses which, in one year, nearly equalled the sum for which, in the present year, the revenue is deficient, notwithstanding the loan of last year, and to make up which deficiency the head of the Treasury has been able to devise no other means than a resort to new loans. Yes, sir, there were then those surplusses in the Treasury, the ghosts of which lingered along its vaults for a time after their corporeal bodies departed, and were then heard of no more.

But to proceed. The expenditures of the Government, during the first four years of the Jefferson Administration, exclusive of payments on account of the public debt, averaged only eight millions of dollars a year. In the four last years of the Jefferson Administration, those expenditures were very greatly increased, amounting in the year 1808, (the last of the four,) without any increase of Army and Navy expenditures, to up-

wards of sixteen millions of dollars—rivalling the expenditures of any one year of Mr. Adams's war, and amounting to one-half as much as was expended by the Father of his Country in his eight years of the Presidency, during which he was called upon to establish public credit, to maintain a bloody Indian war, and to lay the foundation of that character of integrity which the Government has so long sustained abroad, notwithstanding the misconduct of its rulers. Yes, sir, it is a curious but notorious fact, that in 1808 and 1809—and I speak of 1809, for, although the present incumbent came into office on the third of March of that year, expenses were incurred and voted in his predecessor's time—the expenditures of the Government outraged all belief when compared with the objects on which they were lavished. And here, Mr. Chairman, let me put it to you, and to the gentleman on my right, if it be within the compass of any man's powers to detract more from the merit of an administration of the Government of the United States in managing at least one branch of the revenue than has been done by that honorable gentleman? What has he said? I will not repeat his words; to do so would be odious, invidious; but I well know, if what he did say had come from the other side of the House, it would have been set down to the rancor of party spirit; to personal spleen; or to want of respect for the White house, or the Red house, or some other house. What has become of that vast amount of money? No man knows; and, to the best of my knowledge and belief, so help me God, no man will ever know.

I find, as I anticipated, a difficulty in dragging along my miserable body, and my feeble mind in this discussion; a difficulty not less, perhaps, than that of dragging along with me the attention of members of this House. I ask its patience, its pardon, and its pity.

But to continue. In this prosperous state of our country, the war in Europe was renewed, or about to be renewed. The Government of the United States would naturally, from the situation of affairs in that quarter of the world, experience a temporary diminution in its revenue, which it need not feel or regard, because it had been enabled to make that noble provision for a sinking fund, for lessening the national debt, for paying off the mortgages on the estate of every man in the country and of those who are unborn. It had made that noble provision, which was attempted to be diverted to the necessities created by the policy of the last four years of Jefferson's Administration, and the actual diversion of which, I believe, was the first act of this Administration. It had made that appropriation of eight millions of dollars for a sinking fund, not to be touched for any other purpose, and which, at the time of the appropriation, no man dared to believe would be gambled away.

The war in Europe brought to this country, among other birds of passage, a ravenous flock of neutralized carriers, which interposed the flag of neutrality, not only between the property, but even between the persons of the two belligerent Powers; and it was their clamor principally, aided by the representations of those of our merchants who saw and wished to participate in the gains of such a commerce, that the first step was taken in that policy of restriction, which it was then foreseen would lead to the disastrous condition in which we now find ourselves. Yes, it was then foreseen and foretold. What was then prophesied is now history. It is so. "You," said the prophet, "are prospering beyond all human example. You, favorites of Almighty God, while all the rest of the world are scourged, and ravaged, and desolated by war, are about to enter into a policy called *preventive* of war; a policy which comes into this House in the garb of peace, but which must end in war." And in war it *has* ended. Yes, sir, we have been tortured, fretted, goaded, until at last, like some poor man driven from his family by discord at home, who says to himself, "anything, even exile, is better than this," we have said that we will take war; we will take *anything* for a change. And when war came, what said the people? *They* said, "anything for a change!"

At that time circumstances occurred, and I hope the House will pardon me for alluding to them. It is absolutely necessary that I should do so. They have been spoken of by others before me; they were at the time, and have been since detailed in the most solemn manner on the floor of this body. A denial of them has been challenged and never received. At that time, I repeat, circumstances occurred, which made it my duty to oppose the projects of the Executive Government of this country in its relations with foreign Powers.

At that time nothing that the *Spanish* Government could do, not even the invasion of our own territory, not even the capture and carrying off, not from our decks, but our soil, a portion of our citizens, could rouse this House to a spirit which would, in my judgment, have comported not only with its honor, but was absolutely indispensable to its dignity. We were wanting in the assertion of the rights of our own country over its soil and jurisdiction, by which assertion, then, we might have averted the calamities which have since befallen us; but a project for that purpose, recommended by the committee to whom that subject was referred, did not meet the approbation of the House. And from that day and date, the black cloud has thickened over us; has become more and more dense. From that day and date, have we departed from those counsels—in my humble judgment, at least—from those principles, adherence to which had induced the people of the United States to clothe us with their power and confidence.

What have we done since? From that day, with a short interruption, the policy of this Government has actually subserved, as far as it could, the purposes of *France*. I speak of facts; of facts susceptible of proof, which may be felt, seen, touched, heard, and understood by all except those too indolent to examine them, or too ignorant for the light of truth to have any effect upon their

understandings. I say, sir, that the policy of this Government has, from that time, subserved the purposes of France. And how do I prove it? Why, sir, by way of meeting the French decrees, which prohibit to us all intercourse with Great Britain, we cut off the intercourse between us and the whole world. We virtually held out to our great commercial cities—to Boston, New York, Philadelphia, Baltimore, and Charleston—the same language as Bonaparte had held to his own cities: "I know that you are suffering, and 'unhappy; that the grass is growing in your 'streets; that the ships at your wharves are rot-'ting, until they are fit only for fuel; that your 'trade is dwindling to nothing; but what is all that 'to my Continental system? What are a few 'seaport towns—enterprising, wealthy, and pros-'perous, as indeed they are—what are they, com-'pared to my Continental system?" And, sir, what was our "restrictive" system? Similar in point of effect—certainly cotemporaneous in point of time—to Bonaparte's "Continental system." Sir, it is a matter susceptible of demonstration, if I possessed the physical power to go through with it, that the system recommended by the then President of the United States, of laying an embargo on all ships and vessels in our ports, for the purpose of "keeping in safety these essential resources," took place in consequence of a communication from our Minister in Paris to this Government, transmitting certain correspondence of his with the French Government. And although, in his Message to both Houses of Congress, recommending the measure, the President does use the term "belligerent Powers," I do attest the fact, and I call upon other gentlemen, who know it, to attest it also, that, while the Message purposely referred to both "belligerents," not one scrip of manuscript relating to the other "belligerent" accompanied that Message; nor was there anything contained in that Message relating to that "belligerent," but a scrap from an English paper, about the size of a square of its columns, containing some speculations of a London editor; and I say that there did not exist in this House, nor in this nation—if there did, let the evidence be produced—any knowledge of the existence of the Orders in Council, which have been put forward as justifying the embargo. If their existence had been known at the time, would the President in his Message recommending an embargo have failed to notice the fact? Would he not have used it as one of the strongest inducements to the adoption of this system? Would those "orders" not have been published in the National Intelligencer, which is considered—and certainly not without cause, in view of certain things which we have lately seen in it—to be the Court paper? Produce the National Intelligencer of that date; there is not one syllable to be found in it concerning the Orders in Council. No, sir; in his Message on the occasion referred to, the President did not produce any *acts* of the "belligerents" referred to, but only the correspondence between General Armstrong, our Minister at Paris, and that Government, on the subject of the construction of one of its first decrees. It was in consequence of the more recent decrees of France, and not of the British Orders in Council, that the embargo was recommended and laid. And yet, in the discussion which came off on that measure, it was represented as a weapon against England, which would be more efficient than any war, and must bring her to our feet: it would give effect to the object, which Bonaparte had in view, of destroying her by consumption, by cutting her off from the commerce of the world. Although I state these facts, I know that it may be proven—and I am sorry that it can—by reference to the Journals of this House, and by a report, too, of an honorable and respectable committee of this House, that the embargo was designed to obviate the effects of the Orders in Council.

But, sir, it is indisputably true, that there was no mention in the embargo Message of those Orders in Council—no allusion to them in debate upon it—no knowledge of them at the time that the embargo law was passed, that can be proven by any document whatsoever entitled to the least respect; and I will even go so far as to allow as evidence the authority of any newspaper. The members of that committee had heard so much of the Orders in Council, and the effect that it was pretended that the embargo would have upon them, that in their report, speaking of them, they absolutely transposed cause and effect. It is unfortunate that it should be so; but it is nevertheless true. Events subsequent to the period to which I have now brought myself have been detailed in this debate in a manner so clear, so lucid, so convincing, by two honorable gentlemen from New York, that there is no need of my repeating the narative: but I must be permitted to say that the statement made yesterday by a gentleman from New York, (Mr. EMOTT,) will be refuted when Euclid shall come to be considered a shallow sophist, and not before. My honorable friend from the same State, who spoke a few days ago, called upon gentlemen to handle that part of the subject—the revocation of the Berlin and Milan decrees, and the inveiglement thereby of this country into a war with England—in a manner more able than, he was pleased to say, he himself had done it. The attempt to do this would, indeed, be to gild refined gold, to paint the lily, to add to the perfume of the violet—in all cases a most ridiculous and wasteful excess. And yet, sir, the situation in which I unhappily stand, and in which it was my lot to stand at the conclusion of the last session of Congress, compels me to say a word on this subject. You will remember, sir, that it was my misfortune, during the first session of this Congress, to oppose the attempt to impress upon this House and the nation certain most preposterous, absurd, and false propositions; for the temerity of which effort I came under the censure—implied, at least, if not to say direct—of this honorable body. The contrary propositions, which I undertook to maintain, were, first, that the Berlin and Milan decrees were not repealed on the first of November, 1810, and that the only evidence of any such repeal, up to that date, was

the President's Proclamation of the second of that month; and secondly, that the British Orders in Council did, in point of fact, establish no serious insurmountable obstacle to negotiation between that Government and the United States. Why, sir, I shall not here go into any argument on this point; if I had the ability, I have not the will; and, if I had the will, I have not the ability. Nor can it be necessary, when the Emperor of France himself comes into court, and cannot reject his own authority, as borne in his own laws. Yes, sir, he did come forth, and, in his antedated decree of the 28th of April, 1811—though it unquestionably ought to bear date full twelve months later—does, in the most offensive of all possible ways, establish the fact, not only that the Berlin and Milan decrees were not repealed (as all the world knew except the President of the United States,) on the first of November, 1810, but that they were in his mind when he issued his decree, dated 28th April, 1811. They were repealed, finally, in consequence—of what? Of your doing that which for years he had been attempting, by menace and blandishment, to induce you to do—that is to say, embark in war with England, taking sides with France, "causing," as the phrase was, "our flag to be respected:" And this, too, after your having posted up in the ledger of this House that war with one of the "belligerents" was equivalent to submission to the other!

My other proposition was, that the Orders in Council constituted no insurmountable obstacle to negotiation between this country and Great Britain. And what was the fact in regard to them? Why, that almost at the time that this position was taken on this floor—a few weeks only thereafter—the Orders in Council were repealed.

I put it to you, sir, and to the great mass of the people of this country—to the honest, laborious, unsuspecting, kind-hearted, confiding, generous, and just people—had the fact been known that the French decrees were *not* repealed, and that the Orders in Council *were* repealed, whether any man, in any station, would have had the confidence to propose a declaration of war against England, taking part against her, and siding with France in the conflict in which those nations are engaged?

And, whilst I am upon this subject, permit me to say, suppose the proposition which was repeatedly made—in more than one instance by the person who is now addressing you, and supported with the greatest ability by gentlemen on the other side of the House—to postpone our declaration of war against Great Britain until the autumn, when we might be in some state of preparation and readiness for it—had succeeded, what would have been the consequence? At this time we should have been at peace; we should have been lying secure in that snug safe haven of neutrality, in which the good sense of the greatest and best men of this country have always attempted to moor the public ship. *Now*, where are we? And shall this war be called a popular war; a war of the people; a war called for by the public voice, into which this country has been plunged, not more by the agency of the friends of Government than of its enemies, in the hope of the latter that this Administration would sink and founder in it, and they rise to power thereupon? Is it possible that that can be deemed a war of the people, a popular war, which has enabled a gentleman known to be of the most respectable connexions, and possessed, I believe, of considerable talent—but who, put in competition with the veteran politician now at the helm of Government, is but a boy in politics—a person whose pretensions are so extremely inferior, to rival the present Chief Magistrate in the confidence of the people, and for a time, as you know, make him tremble for his re-election? It is, however, some consolation to reflect that, in all free Governments, the public voice will sooner or later be heard upon all their measures, and in condemnation of those which the opinion of that public detests and execrates. This is a great law of politics; it is to the political what gravitation is to the physical world; it cannot be counteracted. Statesmen know it, feel it; they do not reason to it, but from it; they never lose sight of it, but are guided by it in all their measures. And those of us who live to see the next Congress, will live to see the effects of that law in this House.

Sir, we have passed so many laws, we have had so many objects for enticing the belligerents on the one hand and coercing them on the other, and enticing and coercing them together, that I feel some little difficulty, in the present state of my brain, in referring to them by title or date; but it is the law passed on this subject, in consequence of which the celebrated letter of the 1st of August of the Duc de Cadore was written, to which I desire most particularly to refer. If, after the proclamation of the President of the United States of the 1st of November thereafter, issued in consequence of that letter, revoking so much of our non-intercourse law as related to France, an unbroken warfare being kept up by France on our commerce—a fact as notorious as the existence of any fact in nature—was it not good cause for reinstating the law in relation to France, and putting her on her ancient ground? Then I would be glad to know, for one, whether our continuing at war with England was any better cause for keeping up the interdiction in relation to her, after she had revoked her Orders in Council? In other words, it being admitted by gentlemen on one side, as it has been contended by gentlemen on the other, that the revocation of the Orders in Council by Great Britain was such a one as did satisfy the terms of the non-intercourse act, what was the reason that the proclamation required by our law in such case did not issue? Why, sir, the state of war between the United States and Great Britain being offensive on our part—being of our own making—was held to be a cause why we cannot execute our law as relates to her. Now, whilst the continued war upon us by France, by seizures of our merchant

vessels and their cargoes, is not considered an obstacle to its execution in regard to her, is it not as clear as the noon-day sun, that if the making of war by France on the United States did not constitute any good cause for withholding the revocation as to her, when she professed to have repealed her Berlin and Milan decrees, there was no reason why it should not have been extended to Great Britain also, when she actually repealed her Orders in Council?

I am extremely at a loss to say whether my judgment, my memory, my imagination, or my command of words, fit me for the expression of the few scattered ideas I have on this subject; I fear that they may fail me. But I believe it will be conceded, on all hands, that if, after the revocation of the British Orders in Council, the President of the United States had, as he honorably might have done, made that repeal the basis of negotiation with Great Britain, there is not a man in this country—certainly there is none among his admirers and adherents—who would not have hailed him as the restorer of the peace and prosperity of the country, which had been so idly (I had almost said so wickedly) disturbed. But, regardless of every consequence, we went into war with England as an inconsiderate couple go into matrimony, without considering whether they have the means of sustaining their own existence, much less that of any unfortunate progeny that should happen to be born of them. The sacrifice was made. The blood of Christians enjoying the privileges of jury trial, of the writ of *habeas corpus*, of the freedom of conscience, of the blessings of civil liberty, citizens of the last Republic that ambition has left upon the face of a desolate earth—the blood of such a people was poured out as an atonement to the Moloch of France. The Juggernaut of India is said to smile when it sees the blood flow from the human sacrifice which its worship exacts: the Emperor of France might now smile upon us. But no, sir, our miserable offering is spurned. The French monarch turns his nose and his eyes another way. He snuffs on the plains of Moscow a thousand hecatombs, waiting to be sacrificed on the shrine of his ambition; and the city of the Czars, the largest in the world, is to be at once the altar and the fire of sacrifice to his miserable ambition. And what injury has the Emperor of Russia done to him? For what was he contending? For national existence; for a bare existence; for himself and the people who are subject to his sway. And what, sir, are you doing? Virtually fighting the battles of his foes; surrendering yourself to the views of his adversary, without a plea—without anything to justify your becoming the victims of his blasting ambition.

Yes, sir, after having for years attempted to drive us by menace into war with England, when he has seen us fairly embarked in it, and the champions of human rights bleeding in his cause, the Ruler of France has turned with contempt from your reclamations; he has left your Minister, who was charged with those reclamations, to follow him in his Russian campaign, to whip up his jaded Pegassus, and, travelling at his heels, to overtake him if he can.

For these injuries and insults what atonement has been made? What satisfaction has been received for your plundered property? And what is the relation in which you stand to France? At this moment, when it is well known that it would not require one additional man in the Army or Navy to make good, in the eye of nations, your character as an independent and high-spirited people, you are prostrate at the feet of your's and the world's Undoer. Is there anything yet wanting to fill up the full measure of injustice you have sustained? Gentlemen on all sides are obliged to admit that the provocation which we have received from France is ample; that the cup of it is overflowing. And yet, what is our situation in relation to that destroyer of mankind—him who, devising death to all that live, sits like a cormorant on the tree of life; who cannot be glutted, nor tired, with human carnage; the impersonation of death; himself an incarnate death?

All this, I say, does prove—and if it does not I call on gentlemen to disprove the fact—that there is a difference in the standard by which we measure French aggressions and the aggressions of any other people under the sun. When Spain was the ally of France she was—what? She was secure from our indignation. There was not a murderer, a barbarian, in all our Western wilderness that was not safe under the Spanish cloak. For why? Because the King of Spain, such as he was—for he wore only the semblance of a crown—was in alliance with France; and he must not be touched.

But what has *Revolutionary* Spain done? What offence has she committed against France? That she is not only helpless, destitute of resources, unable to return a blow, but, above all, is coveted by France, are considerations which cannot justify, on the part of France, conduct towards her more infamous than that of the English at Copenhagen—conduct cowardly as it is unprincipled. But, sir, I forewarn gentlemen of the Southern country—I do beseech them, with a sincerity which no man can have a right to question—to beware how they transfer the theatre of war from the rocks and snows of Canada to the sand-hills, the rice-fields, the tobacco plantations of the Southern States. For them to think of voluntarily consenting to make that region the theatre of the war would compel me to believe that they are on the verge of that madness which precedes the destruction of all doomed by Heaven to perish.

Sir, I have just touched, with trembling and faltering hand, some of the preliminary observations which I had intended, at some time or other, to make, into which I have now been prematurely forced to enter, not more unexpectedly than unavoidably, by the strange turn which this debate has taken.

There are two other points—for, in respect to the Orders of Council, I shall not say a word about them—upon which I am very anxious to offer myself to your attention: the one the cele-

brated point of impressment, which, though it has been very ably handled, is not yet exhausted: the other the Indian war on our Western border. And I also wish to say something on the subject of negotiation. In the midst of a war with one of the greatest Powers of Europe, why should the gleam of the tomahawk and the scalping-knife, the cries of massacred women and children reaching our ears—why should these fright us from our propriety? Why, we are told the Indians of the West have been stirred up to war with us by British agents. But what is the fact? That we have no Indian war but a war of our own seeking, as I have already, in the course of this session, read to you certain proofs; and I will now give you another. It is this: It is agreed on all hands—no man has attempted to dispute it—that, in the affair of the battle of Tippecanoe, the commander and the officers distinguished themselves by the greatest gallantry. How has it happened, then, that while we have been freely voting medals to those gallant officers of our navy who have distinguished themselves on the ocean—and I hope we shall vote them something more substantial—not a whisper has been heard in relation to those who have been engaged in this expedition against the Indians? The subject has not been even inquired into.

Do we know, at this moment, as a Legislature, the causes of that disastrous business—I call it so from its consequences—or by whose authority this war was made? Or, is it come to this: that Governors of our Territories are to consider themselves as so many Hastings and Wellesleys of our country, and that, while they do not involve us in war with Christians like themselves, they may go to any extent in exterminating the Red Barbarians here as in the East Indies Governors and Proconsuls of the British Government do there in regard to uncivilized Powers of that quarter of the globe? Is it discovered that our Territorial Governors may at pleasure invade the territory of other nations—for, inconsiderable and contemptible though they be, the Indian tribes *are* nations—in like manner that the British authorities make war upon those nations of the East? Yes, sir, not only is this a war of our own seeking—not only we had it in our power to keep the peace—but in the country which was the scene of the battle, and in the adjacent country, it was the most popular war ever waged. The frontier people of this country have been in the habit of driving the heathen before them; and to them the chase of the deer, the elk, and the antelope, is not so grateful as that of the red men they hunt. I believe that it is the cause of serious regret to many of the people of the West that there is now no longer any motive to drive them from their lands. As to the Red Men, the Big-Knives have, without any foreign prompting or instigation, driven them off from a country more extensive than that over which the Emperor of France wields his sceptre. So I put aside this item of Indian war altogether as a matter of account in the list of our grievances against the British Government. There is not a shadow of foundation for believing that these Indians were or could have been instigated to take up the hatchet against us until hostile arms had been taken up against them. When driven to the wall they must fight or die—the last alternative left to them—for which nobody can blame them.

It was, sir, a saying of one of the best men who ever wrote, in correspondence with a friend, that he had not time to write a shorter letter; and I can truly say that I have not *time* to deliver a shorter speech. I know that this question will be taken to-day, for I have been so admonished; and my own very severe and sudden indisposition, which I am almost ashamed to name, will compel me to detain your attention much longer than under other circumstances would have been the case.

A word, now, on the subject of impressment. Our foreign trade had grown beyond the capacity of either our tonnage or seamen to manage. Our mercantile marine was an infant Hercules; but it was overloaded beyond its strength: the crop was too abundant to be gathered by our hands alone. The consequence was, and a natural one too, that not only the capitalists flocked into our country from abroad to share in our growing commerce, but the policy also of our Government was adapted to it, and a law was passed to enable us to avail ourselves of the services of British seamen and seamen of other countries. And, in doing this, we availed ourselves of the pretext—which, as long as the countries to which they belonged winked at it, was fair for us to use—of taking these British seamen for Americans. It was in 1796 that commenced the act, to which reference has been made, and that system of "protections," as they were called, the very mention of which, at this day, causes a burst of honest indignation in the breast of citizens whose situation enables them to ascertain their true character. If these "protections," so termed, have not been forged all over Europe, it is only for the reason that the notes of a certain bank of which I have heard have not been forged, viz: that, the bank being broke, its notes were so worthless that people would not even steal them. The "protections" are attainable by everybody; by men of all ages, countries, and descriptions. They are a mere farce. The issuing of them has gone far to disgrace the character of the country, and has brought into question and jeopardy the rights of real American citizens. This question of impressment, delicate as it has been said to be—difficult as in one view it certainly is—is, of all others, in my judgment, the most compact. With the gentleman from New York, I will say that the tide of emigration has brought to the shores of our country many most valuable characters; some of them persons with whom I have the honor of being in habits, not only of intimacy, but friendship. I believe there does not exist one man of this description, who comes *bona fide* to this country to settle himself and children here, that would require you to go to war on his account. And, sir, I believe that the belligerent position itself in which you now find yourself will relieve you in a great

degree of this evil; for many seamen who have so long, by virtue of these "protections," passed themselves off for American, will find it to be very convenient to be Portuguese or Swedish seamen, or seamen of some other State than the United States—some State that is not at war with England. Sir, there is a wide difference between the character of American seamen and seamen of every other country on earth. The American seaman has a home on the land, a domicil, a wife and children, to whom he is attached, to whom he is in the habit of returning after his voyages; with whom he spends, sometimes, a long vacation from the toils of maritime life. It is not so with the seamen of other countries. For the protection of men of the first description, I am disposed, if necessary, to use the force of the country, but for no other. I know, indeed, that some gentlemen who have spoken much on the subject of the principle of impressment, will tell you that the right to take from a neutral vessel one seaman, if carried to its extent, involves a right to take any, or all seamen. Why, sir, in like manner it might be argued that the taking illegally of one vessel at sea involves the right to take every vessel. And yet, sir, who ever heard of two nations *going to war* about a single case of capture, though admitted not to be justified by the laws? Such a case never did and never will occur.

Of one thing we are certain: it rests upon no doubtful ground: that Great Britain, rather than surrender the right of impressing her own seamen, will nail her colors to the mast, and go down with them. And she is right, because, when she does surrender it, she is Sampson shorn of his strength: the sinews of her power are cut. I say this openly in the House of Representatives; and I am not communicating to the enemy a secret of any value, because she has herself told us that she can never surrender it. She has told us so, not when she stood in the relation of an enemy toward us, but in the friendly intercourse of the British Ministry with our late Commissioners at London. Turn to the book: I wish the honorable gentleman, if he has it, would for a moment let me have the use of it. You are told in that book that every effort was made by the American Commissioners to effect a relaxation of this right; that the British Ministry evinced the sincerest desire to give satisfaction to them on this point: *but* what? The Admiralty was consulted; they waked up out of their slumbers the Civilians at Doctors' Commons to deliberate upon it; and they came to the conclusion that the Government of Great Britain could not give up that right. Messrs. Monroe and Pinkney, the Commissioners of the United States to negotiate a treaty with the Government of Great Britain, in their correspondence with their own Government, give this fact to excuse themselves for failing to accomplish their object, and to prove that everything had been done that could be on their part, and everything conceded on the other side that the most friendly disposition could warrant—and here I do not speak of masked friendship, but of real friendship. Although everything possible had been done, this right of impressment of her own seamen was a *sine qua non* on the part of Great Britain—one which would not, could not, must not, be surrendered. And, sir, if this question of the right of impressment was one on which we were to go to war with Great Britain, we ought to have gone to war *then;* because we were then told by the highest authority in that Government that this was a point which never would be given up.

I find, sir, that I cannot trust my broken voice to *read* the book, now that it is in my hand, but must rely upon my recollection for facts.

Now, this question lies as I have said, in a very small compass. The right of Great Britain to take her own seamen from your merchant vessels, (if it be a right,) is one which she has exercised ever since you were a People, wherever occasions for its exercise have occurred. Will you not only go to war, but wage a *bellum ad internecinum* for it? Will you wage an endless war of extermination for this right, which, you have known for two and twenty years of your national existence, she will not relinquish? A gentleman from Tennessee, of whose capacity few men have more respectful opinion than myself, has quoted the diplomatic correspondence as far back as 1792, to show what General WASHINGTON'S opinions were on this question of impressment, and this opinion of the Father of his Country is now held up to the people of the United States for the purpose of enlisting their prejudices in the conviction that, by involving the country in warfare, we are at this moment treading in the footsteps of that great man, and acting upon his principles. Nothing can be more untrue. To say that the Treaty of Louisiana was negotiated two years after the letter of instruction quoted from the WASHINGTON Administration, and that that treaty contained no provision on this point, is a reply in full to this course of argument. But what does the correspondence referred to prove? What every treaty, what every negotiation, has proven: that England would not give up this point, although she made offers for guarding against abuse—offers more favorable to us than ours to her. And yet the Administration of this Government have had the hardihood or the folly to plunge the nation into a war for it—for a point on which General Washington, Mr. Adams, and Mr. Jefferson, men differing from each other as much as may be in every aspect, had been content to negotiate, rather than go to war for its assertion.

What was the offer made to our Government by the British Ministry? If I do not forget, their offer was that they would not impress American seamen if our Government would not employ British seamen. Their offer to us was not accepted, but it was beyond question, in my opinion, more beneficial than the proposition which we on that occasion made to them.

But it may be said that the right of search cannot be endured; that the protection of our flag must be held inviolate; that if a search of

our ships be permitted for British seamen, they may actually take American seamen. Sir, there is no doubt of the fact that by mistake, sometimes perhaps by wilful misconduct, on the part of officers engaged in the search, such a thing may happen. But, should we not think it exceedingly strange that the misconduct of an officer of the American Government, in one case in twenty if you will, should be a cause of war for any nation against us? It is one of these cases which does occur, and will forever occur, to a neutral Power, whenever a general war is lighted up. It is one of the prices which this country has to pay for its rapid accession of wealth, such as is unheard of in the annals of any other nation but our own. And this, sir, is the state of things in which we have undertaken, in children's language, to quarrel with our bread and butter; and to identify ourselves with one of the belligerents in a war in which we have no proper concern. I will not touch at all the abstract question of the right of impressment: it has been so much more ably handled by others that I shall not say a word about it. I address myself to the common sense of the planter, the farmer, the agriculturist of our country—are you willing upon such grounds as these to continue this war? I have no doubt what will be their answer.

On these subjects I have delivered my sentiments more than once before in this House. I think of them with horror as the accursed cause of this war. Not that the men who are in power are worse men than other people, but that they have brought upon this land of peace and freedom issues the end of which it would be impossible for any human being to divine.

One thing is certain, that the right of search does practically exist, and has been acknowledged by all nations. The President of the United States and his Secretary of State, as great masters of the Law of Nations, will be among the first to acknowledge it; they *have* acknowledged it, and, by our treaties with foreign Powers, this country has heretofore acknowledged it, so far as concerns the right to search for contraband goods and enemy's property. Suppose that there are notorious abuses under this right: should we be justified in declaring that no search whatever of our merchant vessels shall be allowed? There is no doubt that, under the color of the right of search—for I am advocating its lawful purposes only—abuses have been committed on neutrals; and as long as men exist it will be so. The liability to abuse of this right is the price which neutrals pay for the advantages which they derive from their neutrality; and I should like to know whether it would be for me to join in the contest in which these belligerents are engaged for the recovery of my *neutral* rights. Where are those rights when great maritime Powers become belligerent? There are neutral rights undoubtedly, but there are also neutral duties. And shall a neutral nation, a nation which has in that character prospered and flourished more than any people on the face of the globe, sacrifice those rights and those advantages, and resort to war against one of those belligerents—and for what? For a point of honor! Yet, whilst in this Quixotic spirit we have gone to war with England; although we have been robbed, reviled, contemned throughout by the Emperor of France, we can see no cause of war with him!

What shall we say of the *French* doctrine in relation to this subject of impressment? If that has been dwelt upon in this debate by any honorable gentleman of this House it has escaped my notice. What is the French doctrine on this subject—established at the time when the United States stood in relations of peace and amity to that Power, when every heart beat high with sympathy for the success of French freedom; when some of those who have since transferred their admiration, I will not say their love, to the present Head of the French Government, to the enemy of French freedom, and all freedom, to all commerce, and right, and religion—at the time when some of those who have since so lamentably changed on this subject felt an interest for freedom and France scarcely inferior to that which they felt for freedom and America? What were then the doctrines of the French Government? That all who spoke the English language should be treated as Englishmen, unless they could give proof to the contrary; the *onus probandi* lying on those who spoke the language of Locke, and Newton, and Milton, and Shakspeare. Yes, sir, whilst the English Government establishes no such doctrine, the French Government acts upon the principle that speaking the English language is *prima facie* evidence of your being a British subject, and would justify their treating you as an enemy, the burden of the proof to the contrary being thrown upon yourself.

Sir, I have nothing to say on the subject of the Presidential Election—I have nothing to say of your choice of an occupant for the House that stands half-way between here and my lodgings. On that subject I have taken a bond of faith that, let whosoever may be in authority there—if the principles which I profess be such as the Government (the Administration) cannot practise upon, or at least such as they never will practise upon—and knowledge, experience, has taught me to distrust them—whensoever they desert the principles they and I have heretofore professed, I will maintain them: I never will be ashamed of them. They shall lift up their heads in States if not in Courts. They shall not be disparaged; and we have them on record. And, more, in the same volume in which they are to be found is contained the record of the antagonist doctrines, against which at that day we held up our hands. But, sir, be any man at the head of an army, unless it be a very small and contemptible one in force; of an army such as that of which we are now engaged in augmenting the force—an army to fill up the ranks of which it will take at least every tenth man in the country fit to bear arms—any man so posted may at his will step into the Presidential Chair; the form of an election by the People may remain, but the substance has gone. Yes, sir, whilst we are talking of thirty-

five, or fifty, or sixty thousand men, we forget that the organization of such an army is a draught from that part of our population fit to bear arms, such as has been felt, and felt for half a century in succession, by some of the first countries in the world. In Europe, requisitions by Government for every tenth man fit to bear arms are considered enormous draughts. On paper such numbers make a formidable show. Many of them, however, we know, are not fit to bear arms. The actual number of no army in existence ever equalled the returns of that army. It is a fact exemplified in a manner not more curious than instructive, by a writer in the last century, that the number of men very rarely equals two-thirds of the number on the returns of an army: And just so it is with your militia. Is it supposed that all those men whose names are borne on the returns are in health, are in a situation to be at once capable and willing to bear arms? Unquestionably not. No, sir. Let me not, however, be understood to disparage the militia. It is not the least of my objections to this bill that it passes sentence of degradation on the militia; it cashiers them—runs them out of the regiment of the nation. I am a poor militiaman myself, sir; and I do not really choose to disparage my vocation; to consent that the militia of this country shall be degraded, held up to ridicule, have the finger of scorn pointed at it—for what purpose? To raise, at their expense, a great standing, military, mercenary force. Yes, sir, mercenary—mercenary. The militia are to be laughed at! And, why? Will you show me a militia officer or a militia private, who has gone as far in disgracing his country, whether we regard its reputation for courage or discretion—I do not mean that part of valor which *consists* in discretion—as the commanders of your armies of the centre, and your armies of the periphery, and of the circumference? Can you show me an instance of the kind? Sir, I honor the militia. They may be jeered at on this floor, but they compose the Constitutional army of this and every free country; and that country in which they are not honored, if already not in the jaws and gulf of despotism, is at the brink of that abyss. Honor, I say, to the militia.

I have another objection to the raising of this large additional army; that is to say, the financial situation of this nation. I do not know whether it is expected of me or not that I should go into that subject: certain I am that it is not hoped: certain I am that the opening of this view of the question must be deprecated by every member within the reach of my voice, and by no one more than by yourself. I slur it over, therefore, observing only that the state of the finances of this country presents to the world, and not less to ourselves, a sort of libel upon the policy of the country; or, that the policy of the country is a libel upon its finances. A parallel between them, so far from running on all fours, has not even a single leg to halt upon. What is the fact? When men of acknowledged ability—of acknowledged richness of invention—under the operation of every consideration that can operate on human passions and understanding; when such men, in their conduct, present such a picture as is presented to this country and the world by the head of the American Treasury, it may require sagacity, penetration, to discover the cause, the object, the motive, of such an exhibition, but surely none to discover the fact—which I will not characterize by the epithet which it deserves. For what *is* the fact? That, in the last session of Congress, it was represented to us that it was indispensable to the financial credit of the country—to the prosecution of this just and necessary war—to infuse into it proper vigor and energy, to place the country in "an armor and an attitude," and all that—that a monstrous mass and burden of taxation should be imposed on the country. This was to eke out heavy deficits which might occur under that system of borrowing so often tried, (and rarely failing when it is conducted as it should be,) but *ever* failing when it is not bottomed on punctuality and good faith on the part of the borrower. And yet, sir, at this session of Congress, the Treasury finds itself without any resources for carrying on the Government and the war; and we have had presented to us a fresh prescription of taxes, which we were asked to swallow, being, as we were told, all for our good. Well, sir, after having had piled up on your table your batch of new tax bills—no!, to be sure, the result of any very great labor on the part of those who prepared them; for, like most other bills of late presented to you, they are copied from the records of those very days of the Reign of Terror of which we sometimes hear—Mr. Secretary of the Treasury comes forward with his recommendation of a fresh resort to the resource of borrowing. He shows to you a beggarly account of empty boxes; and to fill them he proposes new loans, loans, loans! I know, sir, that in speaking of Mr. Secretary Gallatin it is necessary for every man in this nation to observe an especial caution; and, perhaps, it is fortunate for me that it is not in my power at this time to speak of this matter in the feeling by which I am animated in regard to it. But I may allow myself to state the naked fact, that the Secretary of the Treasury, by whose influence these tax bills were reported and have been voted upon in committee of supply, and who now tells you that they are not wanted, and, by fair inference, that they never will be, has, to say the least of it, trifled with the respect due from him to this body. He has trifled with the dignity of this House: I say so boldly—I say that he must show cause why, at the last session of Congress, these heavy taxes were represented to be indispensable to the carrying on of the Government, and now, forsooth, that there is not, nor has been, any occasion for them. How much must my respectable colleague on my right be relieved by this information, after having sacrificed himself for the good of his country by moving the reconsideration of the tax upon salt! Yes, sir, all this time the balance-master of the Treasury has really been trifling with the dignity of the House. He has been either false to himself or false to the nation; and, if he has not, let it be

shown that he has not, and I shall be the first man to make him the *amende honorable*—in the strict, true, dignified sense of that term.

I must now say a word on the subject of Mr. Russell, and his overtures, his "negotiations," so called, with the British Government. I know, or at least believe, that he had no more power to negotiate with the British Government than I had, because there is only one mode in which such a power could be conferred under the Constitution and the law. Now, sir, if he had been really nominated and appointed with the consent of the Senate in quality of Minister Plenipotentiary to London, he then would have had power to negotiate with the British Government; but not otherwise. While I state this, I hope I shall not be misunderstood to suppose that it was competent for Lord Castlereagh, or anybody else, to question his authority any further than as resulting from his instructions. It was competent for the English diplomat to call for his instructions and powers; but I should forever lift up my hand and voice against the right of any foreign Government to question the mode by which this authority was devolved on the agent: I do not find that in this case it has been; but I have no hesitation in saying—broad as the declaration may be thought, fatigued as I am, and as little under my command as my judgment in such a case may be supposed to be—that the proposition of Mr. Russell to Lord Castlereagh, in regard to the point of impressment, was an insult, not upon him, Lord Castlereagh, but upon me, you, and the whole body of the American people. What was the offer? I cannot quote the words, but the substance is impressed upon my memory. It was, that England should, in addition to forthwith repealing the Orders in Council, immediately consent to discontinue the impressment of persons found on board American vessels, with the understanding that the British Government would assent to enter, as soon as may be, into definite arrangements to the same effect. This proposition called upon her to yield—what? That which, in the letter of the American Commissioners of November 11, 1806, the gentleman told us England would never yield until she yielded the Tower of London, or words to that effect—a point which she had announced to this Government, *sub sigillo*, that she never would yield. That very thing being yielded, Mr. Russell informed the British Ministry he was ready to commence a negotiation for the suspension of hostilities between the two countries! It was an insult upon every man in the country, to call *that* a proposal for negotiation. The declaration in the year 1806 (the very one to which I have referred) is contained in the letter in this book, in which our Government was informed, by our Ministers at London, that England would not, under any circumstances, abandon this right; and that, even if the Ministers were to consent to do so, public opinion would not allow of it. Permit me, sir, in passing, while noticing this letter of the 11th of November, to call the attention of the House to a fact which I mentioned twice while the House sat with doors closed, but which I have never seen referred to in any of the public prints, and heard mentioned but by one gentleman in private conversation. It is this: We all know of the declaration of the British Commissioners, superadded to the rejected treaty, after the promulgation of the French decree of November, 1806; we all know the handle made of this note as a ground for the rejection of that treaty; and yet proof exists, in this volume, that, more than one month before the existence of the British Commissioners' "note" of the 31st of December, and nearly six weeks before its existence was officially known to the President of the United States, that treaty—the terms of which and authors of which have improperly been brought into question before this House—that treaty of 1806 was condemned, Condemned, how? I believe that I can refer pretty readily to the evidence of the fact in this book, although I have not doubled down or dog's-eared it.

[Mr. R. here read from a letter from Mr. Secretary Madison to Messrs. Monroe and Pinkney, acknowledging the receipt of information from them, under the date of November 11, 1806, of the agreement of the Ministers of the two Governments upon the *projet* of a treaty, with a copy of the draught of it. In that letter the Secretary states the views of the President, (Mr. JEFFERSON,) as follows:

"The turn which the negotiation has taken 'was not expected, and exacts as much of regret 'as of disappointment. * * * The result of 'his (the President's) deliberations is, that it does 'not comport with his views of the national sen-'timent or of the national policy, that *any treaty* 'should be entered into with the British Govern-'ment which would include no article providing 'for the case, (*of impressment.*) * * * The 'President thinks it more eligible, under all cir-'cumstances, that, if no satisfactory or formal 'stipulation on the subject of impressment be at-'tainable, the negotiation shall be made to termi-'nate without any formal compact whatever."]

It was not known, at the time, to use a lawyer's phrase, that our Government was in the *quo animo* of rejecting that treaty; and yet, strange to tell, the negotiators of that treaty of 1806 were put under the ban, not of the Emperor of France, but of faction at home, for having *dared* to negotiate a treaty with the obnoxious "Note" of December 1, from the British Commissioners, attached to it. Strange as may appear the fact, it is nevertheless true, and is a lamentable proof of the weakness of poor human nature, never enough to be deprecated, that the admission of one of these Commissioners of the United States—these very missionaries of peace and conciliation—into the Executive Councils of this country has been the signal of war with Great Britain. I speak of facts: I have nothing to do with opinion on the subject of them. I will not trust myself on the subject of opinion. I speak of the fact.

And, sir, is it nothing to the bill which we are now debating, for raising an additional army of

twenty thousand men—or is it a departure from order to hint on this floor at a circumstance which all men are employed and occupied in discussing at their fire-sides?—that this army, to constitute an aggregate of fifty-five thousand regular troops, is about to be put under the control of the man who was the author of the Anonymous Letters at Newburg at the close of the Revolutionary war, inciting a handful of men, the remnant of the old American army—perhaps not numbering six thousand altogether—to give *a master* to the nation? Is that a consideration to have no weight upon such a question as this? With me, sir, it is conclusive. I will tell gentlemen on both sides of the House that a Government or a man may despise a calumny—that the arrows of slander will fall blunt and harmless upon them—provided that the Government and the man be true to itself and himself. Yes, sir, ask yourself this question in regard to any man to whom you are about to confide important trusts: Does he pay his just debts? Is he a man of truth? Does he discharge as he ought the duties of a friend, a brother, in society? After having done that, be his politics what they may, and his peculiarity of opinion in politics what it may, he is a good man; he acquires the esteem of all who know him; he is impenetrable to mere vulgar calumny. This Government ought to employ men of real worth and capacity: it is not always that those showing qualities attracting attention in private life, or as companions, are of *real* capacity. Do those who administer the Government make it a rule to employ in the public service none but men of real capacity, or worth, of integrity, and of high character? Do they give their contracts and offices, without fear, favor, or affection, to men of responsibility and character—to such men as you would in private life give your own contracts to? Or do they bestow them, as is done in some Governments differently constituted from ours, where church preferment and military preferment are sometimes made a dirty job of Parliamentary interest? Do they employ men of clean hands, with fair characters; or is every caitiff, without examination, welcome to their arms, provided he can bring with him the proof of his treachery to his former employers? It depends on these facts whether confidence is due to any Administration of the Government.

Sir, I have much yet to say which appeared to me, when I rose, not to be unworthy your attention; but I confess to you, with feelings something like contrition, that my opinion on this subject has undergone a change.

There is one point, however, on which I do not know how to speak in this place with the reverence which is due to it. I cannot pass it over, and yet I know not how to touch it. Yes, sir, there is one reflection pressing itself as a crown of thorns upon my own head, which I am bound to present to the consideration of this Assembly and this people. Is it fitting that the only two nations among whom the worship of the true God has been maintained with anything like truth and freedom from corruption; that the only two nations among whom this worship has been preserved unstained shall be the two now arrayed against each other in hostile arms in a conflict in which, let who will conquer in the fight, his success in one point, if that be an object, will have been attained: so much of human life, liberty, and happiness, will have perished in the affray—in the service of this scourge with which it has pleased God, in his wisdom and justice, not in his mercy, to afflict mankind? Is it fitting that those hands which unite in giving to idolators and to the heathen the Word of God, the Book of Life—that those hands, and those alone, should be thus drenched in each other's blood? Will you unite as a Christian with your Protestant brother across the Atlantic for these noble purposes, and then plunge the dagger into his breast with whom you are associated in a cause so holy—one so infinitely transcending the low, the little, the dirty business we are called upon here to transact? I hope that the sacrifice may be stopped. We have nothing to expect from the mission of our Minister to the Ruler of France, whether at Moscow, or wherever else he may be. The Deity or Devil whom we worship is not to be mollified by our suppliant appeals. Let us turn from him—come out of his house—and join in the worship of the true and living God, instead of spilling the blood of his people on the abominable altar of the French Moloch.

Sir, I have done. I could have wished to continue my remarks further, but I cannot.

When Mr. RANDOLPH concluded, the House adjourned.

THURSDAY, January 14.

A message from the Senate informed the House that the Senate have passed the bill supplementary to the act, entitled "An act for the more perfect organization of the Army of the United States," with amendments; in which they desire the concurrence of this House.

A Message, received yesterday from the President of the United States, was read, communicating copies of an act of the General Assembly of Maryland, passed on the 2d instant.—Referred to Mr. ARCHER, Mr. RIDGELY, Mr. TALIAFERRO, Mr. CONDICT, Mr. ANDERSON, Mr. GOLDSBOROUGH, and Mr. BAKER.

Mr. TROUP stated that he had a communication to make to the House which, in his opinion, required secrecy: When the House was cleared of all persons except the members and officers of the House, and the doors were closed; and, after remaining so for some time, they were again opened.

The amendments proposed by the Senate to the bill "supplementary to the act, entitled 'An act for the more perfect organization of the Army of the United States," were read, and referred to the Committee on Military Affairs.

A message from the Senate informed the House that the Senate have passed the bill "providing Navy pensions in certain cases," with amendments; in which they desire the concurrence of

this House. The Senate have also passed a bill supplementary to an act, entitled "An act to pro-' vide for calling forth the militia to execute the ' laws of the Union, suppress insurrections, and ' repel invasions, and to repeal the act in force for ' those purposes;" in which they desire the concurrence of this House.

ADDITIONAL MILITARY FORCE.

The House then resumed the consideration of the bill to raise twenty additional regiments of infantry for one year.—The question being on the passage of the bill.

Mr. STOW said: Mr. Speaker, I am aware of the delicacy and novelty of my situation, as well from the indulgence of the House, as from the neutral course which I mean to pursue. He must have been indeed an inattentive observer of mankind who proposes to himself such a course without being exposed to difficulties and dangers from every side. Our country has experienced them too long from the great belligerents of Europe, and an individual will quickly find them here. For even this House is not exempt from its great party belligerents who issue their conflicting decrees and Orders in Council; and, in imitation of the hostile Europeans, it is sometimes a sufficient cause of condemnation to have been spoken with by the adverse side. Yet, notwithstanding all these dangers, I mean to launch my neutral bark on this tempestuous ocean, conscious of the rectitude of my intentions, and humbly hoping for the approbation of my country and my God.

The proper extent of the discussion growing out of this bill seemed to be confined to these inquiries: Can the force contemplated be obtained? If obtained, will it accomplish the end proposed? And lastly, will the force be an economical one? If the discussion had been confined to these limits I would have listened, and not have spoken; but, sir, it has taken a wider range, and assumed a more important aspect. It has embraced the present, the past, and the future. The causes of the war, and the mode of conducting it, have been investigated, and even confident predictions have been made as to its end. The history and the state of our negotiations have been carefully examined—and the Presidential order of succession has been scrutinized by the light of experience as well as that of prophecy. We have sometimes been forced into the scenes of private life; and, at other times, we have been chained to the car of Napoleon. In short, sir, the discussion has ranged as wide as existence, and, not content with that, the speakers "have exhausted worlds, and then imagined new." I do not pretend to censure this—it may be well for the people to have their political concerns thus splendidly dressed and passed in review before them. But still I will attempt to call the attention of the House from the regions of fiction, of fancy, and of poetry, to the humble, but I trust no less profitable, sphere of reality and prose. Passing by many of those things which have amused by their ingenuity, or surprised by their novelty, but which do not deserve a serious answer, I will endeavor to state distinctly the grounds taken by the opponents of this bill, or rather the opponents of furnishing the means of prosecuting the war: Firstly. It is alleged "that the war was originally unjust." Secondly. "That if the war was originally just, it has become unjust to continue it in consequence of the revocation of the British Orders in Council." Thirdly. "That it is inexpedient to prosecute the war, because we have no means of coercing our enemy or enforcing our claims." Fourthly. "That we are unable to support the war." And fifthly. "That, in consideration of all these circumstances, the House ought to withhold the means of further prosecuting the war."

First, then, it was alleged that the war was originally unjust. Here let me call on the House to distinguish between unjust and inexpedient. Nothing can be more important than to have clear and distinct ideas about those words which lie at the bottom of a science, or inquiry. This is happily illustrated in mathematics—there every word, by the help of diagrams, is carefully defined; and the consequence is, that there are no disputes among mathematicians, while their labors have done honor to mankind. A thing may be just and yet inexpedient: the justice of an act relates to the conduct of another, the expediency to our own situation. It may be just for me to sue the man who withholds from me the smallest sum; and yet so inexpedient as to be even ridiculous. Thus a war may be perfectly just, and at the same time highly inexpedient. This, if I mistake not, was the ground generally taken the last year by the opponents of the war, particularly by the gentleman from Virginia before me, (Mr. SHEFFEY,) who pointed out the distinction which I have endeavored to do, though with more ability and success. I hope the House will bear this distinction in mind; because it is of the greatest importance in the investigation which I intend to make. Before I enter further on the argument, I ask the House to indulge me for a moment while I explain my views relative to the commencement of the war. I never saw any want of provocation on the part of Great Britain. I never for an instant doubted the justice of the war, while I urged its inexpediency with all my might. I considered man placed here by a beneficent Providence, on a fertile soil, and in a happy climate, enlightened by science, and protected by the wisest of laws. By our Revolution cut adrift, as I may say, from the old world, before the storm which was about to desolate Europe arose, I fondly hoped that this new world would furnish one fair experiment of what science, liberty, and peace, might achieve, free from those corruptions which have eternally attended on war. I hoped to see the country improved, and bound together by roads and canals, to see it adorned by literary institutions, and by every establishment which reflects honor upon man. Nor do I yet believe that this was an Utopian vision, or an idle dream. I still believe it might all have been realized by a different course—but

the nation has determined on war, and, though it was not my choice, I still maintain that it is not unjust.

I will not go into a minute account of all those injuries, and outrages, the bare mention of which was last year declared sickening to the soul. I will only recall the most prominent to the recollection of gentlemen, who seem almost to have forgotten them. First, then the revival of the rule of '56, relative to the colonial trade, which produced one universal burst of indignation, and called forth those unanimous resolutions in the Senate, not to endure it. Was that no just cause of war! The numerous blockades, against which all our Ministers in England, and every Administration, have remonstrated; the repeated insults of our cities by their ships of war; the murder of one of our citizens in our own waters, (I mean Pierce;) the shameful trial, and subsequent promotion of the officer, by which insult was added to injury—in all this do gentlemen see nothing to render war just? I pass by numerous other injuries, and come to the Orders in Council—those orders which have swept millions of American property from the ocean. But, sir, we have been told, that France was the aggressor—that if we had compelled France to do us justice, Great Britain would have followed in due time the example, and thus war would have been prevented. What has this to do with the case, suppose it either true, or false? What has the justice of the war to do with the order in which we have received the injuries from France or England? Have we not the right to resist the one, who injured us last, as well as the first? Who ever dreamed, that to determine whether it was lawful to repel an injury, he must examine the history of his life, and see if he had not been injured before? Have we lost the moral sense? or have we been so long accustomed to receiving injuries, that we have ceased to know them; that after a patient endurance of fifteen years, and after deliberately resorting to war, we are gravely about to examine the chronology of our wrongs to see if we have the right to resist? I omit the subject of impressment; not but what it was one of the just causes of war, but because I intend to speak of it in another place. After a candid review of the past, can any person then maintain that America has no just cause of war? Sir, to my mind it appears impossible.

I shall now examine the second proposition, "that if the war was originally just, its further prosecution is unjust." On what ground does this rest? It is this, that the Orders in Council were the cause of the war; those orders having ceased, the prosecution of the war becomes unjust. Here again justice and expediency are confounded. It was never maintained, that the Orders in Council rendered war more just than many other outrages, though they went farther to prove its expediency, and even necessity. It therefore follows, that their repeal does not affect the justice of the war; unless accompanied with compensation for the spoliations committed under them, and atonement made for other wrongs. Neither of these, is it pretended, has been done; except so far as relates to the affair of the Chesapeake, and which I purposely left out of the catalogue of grievances. An injury which was a just cause of war, remains a just cause for its continuance, till atonement is offered, or till it is settled by negotiation. But, sir, an ample justification of war remains in the impressment of our seamen. The claim on our part is not, as has been alleged, a claim to protect British seamen—it is a claim to protect American citizens. Nay, more, as respects the justice of the continuance of the war, it is a claim only, that they will cease from the practice during the truce, that it may be seen whether it is possible to arrange it by negotiation. Is it unjust to continue the war, till this demand is complied with? or does any American wish to see his country prostrated still lower?

Having thus far explained my ideas relative to the justice of the commencement and continuance of the war, I will now proceed to answer the third objection, namely: That it is inexpedient to carry it on, because we have no means of coercing our enemy—of compelling him—to what? barely to a just and honorable peace; for that is all we demand. And have we no means of doing this? Better then to surrender the charter of our independence, confess we are incapable of self protection, and beg his most gracious Majesty to again take us under his paternal care. Such a doctrine, sir, is as unfounded, as it is degrading to the American character. We have ample means of compelling Great Britain to do us justice; they are to be found in the value of our commerce; in the enterprise of our privateers; in the gallantry of our ships of war, and the conquest of her provinces. Our custom (considering her in the light of a mechanic or merchant who supplies) is of vital importance to Great Britain. It is not to be measured by its amount, in pounds, shillings, and pence, but by the strength and support she derives from the intercourse. For, while I admit that Great Britain does not send half her exports to the United States, I do maintain, that the custom of this country is of more importance to her, than that of the whole world beside. It is with a nation as with an individual, if he exchange luxuries for luxuries, or superfluities, such as ribands for ribands, which he consumes, he adds nothing to his wealth; but if he exchange his luxuries, or his ribands, for bread or for such materials as give scope to his industry, he is then benefited, and enriched by the interchange. Such is the situation of Great Britain with regard to America. She, and her dependencies, receive more of provision, and raw materials, from America, than from all other parts of the world together. Our trade exactly gives effect to her industry, her machinery, and her capital. And it is this, which has, in a great degree, enabled her to make such gigantic efforts in the awful contest in which she is engaged. Our privateers; will they have no effect on Great Britain? Will she learn nothing from the loss of three or four hundred ships? And will she be insensible to the efforts of our

little Navy? Can they touch no nerve in which Britons feel? Far different are my conclusions, from what I have seen in British papers—they show, that she is tremblingly alive to that subject.

Sir, I will now consider her provinces, about which so much has been said. I too will speak of that wonderful country, called Canada, which unites in itself all contrarieties! Which is so cold and sterile, as to be not worth possessing; and so fertile, that if, by any calamity it should become ours, it would seduce away our population;—which is so unhappy under the British Government as not to lure our inhabitants; yet so happy, that it is criminal to disturb their felicity; —whose inhabitants, if united with ours, would destroy us, because they have none of the habits of freemen; and who, well knowing the privileges of their free Government, will defend them to the last. A country which is of no importance to Great Britain, and whose loss would not make her feel; a country which is so valuable to Great Britain that she will never give it up. A country so weak, that it is inglorious to attack it; and a country so strong that we can never take it. But, sir, leaving these, and a thousand other contradictions, the work of fancy or of spleen, I will present to the House what I believe to be a true view of the subject, drawn from a near residence and much careful examination. Canada is of great importance both to Great Britain and the United States. It is important to Great Britain in the amount and kind of its exports. In the last year preceding war, its exports amounted to between seven and nine millions of dollars, an amount almost as great as the exports of the United States preceding the Revolutionary war. And had the most discerning statesman made out an order, he could not have selected articles better adapted to the essential wants of Great Britain. It has been said that Canada is of less value than one of the sugar islands of the West Indies. Sir, in the present state of the world, Canada is of more importance to Great Britain, in my opinion, than the whole West India islands taken together. In danger, as she is, of being shut out from the Baltic, and fighting for her existence, she wants not the luxuries, the sugars, and the sweetmeats of the West Indies—she wants the provisions, the timber, the masts, and the spars of the North.

Canada is also of the greatest importance to the United States, in a commercial and political point of view. I have in a great measure explained its commercial importance already, by stating its exports; a large portion of which were the products of the United States. Let an attentive observer cast his eye for one moment on the map of North America; let him bear in mind, that from the forty-fifth degree of latitude the waters of Canada bound for a vast extent one of the most fertile, and which will become one of the most populous parts of the United States; and he will readily perceive that the river St. Lawrence must soon be the outlet for one third of all the products of American labour. The same circumstances will enable it to lay an impost on one third of our imported articles. Nor will the evil to our revenue end here. Great Britain will be enabled to smuggle her goods through this channel into all parts of the Union. It will be in vain that you attempt to counteract her by laws; from the great length and contiguity of her possessions, she will forever evade them, unless by your laws you can change the nature of man. But its greatest importance is in a political point of view: for, although not as happy in its Government as the United States, it is sufficiently so to draw off multitudes of our new settlers, when the intermediate lands of the State of New York, which separate it from New England, shall be fully occupied. From this circumstance it will divide the American family, and, by the commercial relations which I have pointed out, it will exert a dangerous influence over a part of our country; for the transition from commercial dependence, to political allegiance, is too obvious to be insisted on. Having endeavored to show the importance of Canada to both of the contending nations, I will only add that it is within our power.

The fourth objection is, that we cannot support the war—that we have not the ability to carry it on. Before I proceed to answer this objection, permit me, sir, to notice a single inconsistency of the gentlemen by whom it has been urged. It is this: in one part of their argument, they represent the people as too happy to enlist, and in another part as too poor to pay! Both of these propositions, I presume, cannot be true. Not to dwell longer, however, upon this contradiction, I do maintain, sir, that the nation is fully able to prosecute the war. On what does the ability of a nation depend? A person who will give himself the trouble of examining things rather than words, will find that it is proportioned to the number of laborers and the productiveness of their labor. Wherever, from soil, climate, or improvement, the labor of a country will produce more than a supply of the necessaries of life, it is evident that the surplus time may be devoted to idleness, to the production and consumption of luxuries, or to the carrying on of war. To illustrate this farther—suppose the labor of a person for five days will support him six, then it is clear, that the labor of five men will support the sixth man in idleness or in war. Now, sir, there is nowhere that the labor of seven millions of people will produce so much as in this country; consequently, nowhere have seven millions of people so great an ability to carry on a war. The quantity of circulating medium, whether made of paper or of silver dollars, has very little to do with the subject. If it is made of paper, and to a great extent, it only shows, that the people are in their habits commercial; and that the faith of contracts is well supported. The real ability of a nation lies in what I have stated; and he must be a weak politician who cannot call it forth.

Mr. Speaker, I will now consider the last, and by far the most important objection of all; and one, without which, I certainly would not have spoken. It is, that in consideration of all the

circumstances in which we are placed, it is the duty of this House to withhold the means of further prosecuting the war. It will not be denied. I trust, that this is a fair statement of the scope and object of most of the reasonings which have been employed; and that without this construction, they would be irreconcilable with common sense. This doctrine, in my opinion, goes not only to the overthrow of our Constitution, but to the destruction of liberty itself. The principle of our Government is, not only that the majority shall rule, but that they shall rule in the *manner* prescribed by the Constitution. So that if it could be proved that a majority of the people were in favor of certain measures, it would not be sufficient till they had pronounced that decision through the *Constitutional* organs. In short, it must have been a principal object with the framers of our Constitution to suspend, at least for a limited time, the effects of popular opinion. The Constitution has committed the Legislative power to three co-equal branches; and to the same hands has it intrusted the power of declaring war; while it has expressly confided the treaty-making power (and which alone can make peace) to two only of those branches. The claim now set up, goes to invest that branch which has no authority in the matter, not only with the treaty-making power, but also with a complete control over the other two branches. Thus *one* branch of the Government forcing the nation to *desist* from doing what *three*, including itself, had thought best to *perform*. Let us test the correctness of this principle by applying it to another co-equal branch of the Government. Let us suppose the President has made a treaty of peace, which is disapproved of by the Senate—and suppose upon this he should say, the war ought not to be further prosecuted, and refuse to employ the public force, would you not impeach him? Most unquestionably you would. I expressly admit that cases may be imagined, where such a course would be proper—where it would be not only the duty of this House to withhold supplies, but where it would be the duty of an individual to resist the laws; but such are extreme cases, not provided for by any organization of Government. What, sir, has been the practice of the British House of Commons? Have they ever refused supplies because a war was unpopular, since their revolution? Did not the same Parliament, which resolved that they would consider any man as an enemy to his country who would advise his Majesty to the further prosecution of offensive war in America, still vote the means for carrying on the war? A similar case occurred when Mr. Fox came last into power—he disapproved of the commencement and conduct of the war, and yet he called for and received the necessary supplies. Let us examine our own history: In the case of the British Treaty, the House, by a call for papers, attempted to superintend the treaty-making power, before it would make the necessary appropriations. The encroachment was instantly resisted by the great man who then presided over the Government, and his decision was approved by the nation. Is not the duty of furnishing the necessary supplies stronger, now we are engaged in war? And that, too, declared by all the branches of the Government! Sir, these temporary sacrifices of our own wishes to the Constitutional decisions of our Government, are the price we pay for liberty, and all that is dear to us. Once withheld, anarchy and tyranny ensue! I am one who ardently longs for peace. I see in it not only the present prosperity of the country, but a long train of republican virtues; and I would spring to embrace it on the first fair occasion. But much as I desire it, I would not purchase it by submission to the enemy of my country, or by the smallest violation of the Constitution. I think the people of the North were against the war, and I think they have shown it by the change of many of their rulers; but I much mistake their character if they would seek peace by disarming and prostrating themselves before the enemy. They know how to practise the double duty of freemen, to select their rulers, and fight the enemy of their country.

Much, sir, has been said about French and British influence. There is no such thing in this House, or in this nation—unless by British influence is meant, what has been derived from an inheritance of her excellent laws, from her language and her writers, who have done honor to mankind. Who is there that feels in his own breast this French or British influence? And where is the man who dares to ascribe to his respectable fellow-citizen, feelings which in himself he would abhor? No, sir, the evil is of another kind; it is party! it is the magic of names, by which men of equal intelligence, who have the same ties to society, and the same interest in the welfare of their country, are torn asunder. We take our sides like boys for a game; and in the ardor of competition too often forget our country. In the great contest which is now going on in the world we are all of one side—our country is the stake, and the last Republic on which the sun shines! Here man enlightened and free is placed as it were in a second garden; the fruit of life is union, and near it grows the fruit of disunion and death. The attempt to divide us must have been originated in Pandemonium by the great enemy of mankind; and his first efforts must have been to instigate us to call each other by opprobrious names. Should he at last succeed in producing our downfall, and the expulsion of republicanism from America, "earth" would once more "tremble from her entrails as again in pangs, and nature give a second groan." But, sir, I will not indulge the melancholy idea: I will not anticipate a time when this splendid hall shall crumble into fragments, and this fair Republic, reared by the immortal Washingtons, Franklins, and Clintons of our country, shall itself become a more deplorable, a more melancholy ruin! I will hope that there is a redeeming spirit in the land, and that a guardian Providence will still watch over the destinies of our infant country.

Mr. CALHOUN observed, that he could offer nothing more acceptable, he presumed, to the House, than a promise not to discuss the Orders in Council, French decrees, blockades, or embargoes. He was induced to avoid these topics for several reasons. In the first place, they were too stale to furnish any interest to this House or country. Gentlemen who had attempted it, with whatever abilities, had failed to command attention; and it would argue very little sagacity on his part not to be admonished by their want of success. Indeed, whatever interest had been at one time attached to these subjects, they had now lost. They have passed away; and will not soon, he hoped, return into the circle of politics. Yes, sir, as reviled as has been our country's efforts to curb belligerent injustice, as weak and contemptible as she has been represented to be in the grade of nations, she has triumphed in breaking down the most dangerous monopoly ever attempted by one nation against the commerce of another. He would not stop to inquire whether it was the non-importation act, or the menace of war, or, what was the most probable, the last operating on the pressure produced by the former. The fact is certain, that the Orders in Council of 1807 and 1809, which our opponents have often said, that England would not yield, as they made a part of her commercial system, are now no more. The same firmness, if persevered in, which has carried us thus far with success, will, as our cause is just and moderate, end in final victory. A further reason which he had, not to follow our opponents into the region of documents and records, was, that he was afraid of a decoy; as he was induced to believe from appearances that their object was to draw our attention from the merits of the question. Gentlemen had literally buried their arguments under a huge pile of quotations; and had wandered so far into this realm of paper, that neither the vision of this House has been, or that of the country will be, able to follow them. There the best and worst reasons share an equal fate. The truth of the one and error of the other, are covered with like obscurity.

Before he proceeded further, he would make a few observations in reply to the gentleman from Virginia (Mr. RANDOLPH) who spoke yesterday. He complained of the desertion of his former associates from the minority principles of '98. These principles, he said, consisted in an opposition to the General Government in relation to the States, and to political rights in relation to individuals.

Mr. C. said he was at one moment almost induced to suspect the gentleman of a desertion of his own principles; for scarcely had he finished this part of his subject, before he passed a high-wrought eulogy on the Father of his Country—on that man whose whole life indicated the strongest leaning on the side of the Government of his country. He would beg the gentleman to reflect whether his definition of minority principles suited the character of WASHINGTON'S Administration—and, if not, with what propriety both could be praised almost in the same breath. Whether indeed the principles of '98 were such as the gentleman has represented them, he would not inquire; because not necessary to his argument. But if they are in truth those of the gentleman and his present associates, he would be happy to know with what countenance they can request the people of this country to put the Government into their hands? Trust the Government to those who are hostile to it! Who prefer their own interest and rights, to its interest and rights! If our opponents are in reality in favor of such principles, patriotism ought to persuade them to add one other, and that is, ever to remain in a minority. There they may perhaps be of some use, at least they will not be dangerous; but put them in power, and let them act up to what they profess, and destruction would be certain. If the gentleman from Virginia is anxious to know the real cause of the separation of his former associates from him, he must look for it in his present political creed, and that of those with whom he is now united. He will there find an article which had no place in his in '98, and which then as well as now was reprobated by those who constitute the present majority. This article is only an enlargement of the minority principles, as defined by the gentleman; it is opposition to our country in relation to England. The proof of this article is of the same kind, and no less clear than the others. For what encroachment of England on our neutral rights, from the interruption of our carrying trade down to the moment that war was declared, which one of the innumerable insults and injuries which bursted in on us, has the opposition either not palliated or justified—and what effort of our country to resist, which has not been reprobated and opposed?

Mr. C. said he would not multiply proof on a course of conduct the bad effect of which was too sensibly felt to be easily forgot, and the continuation of which was but too apparent in the present discussion. For what was the object of the opposition in this debate? To defeat the passage of this bill? It has been scarcely mentioned; and contains nothing to raise that storm which has been excited against it. The bill proposes to raise twenty thousand men only, and that for one year; and surely there is nothing in that calculated to lay such strong hold of the jealousy or fear of the community. What then is the object of the opposition? Gentlemen certainly do not act without an intention; and wide as has been the range of debate, it cannot be so lawless as to be without an object. It was not, he repeated, to defeat the passage of this bill; no, but what was much more to be dreaded, to thwart that, which the bill proposes to contribute to, the final success of the war; and for this purpose he must do the opposition the credit to say, they have resorted to means the best calculated to produce the effect. In a free Government, in the government of laws, two things are necessary for the effectual prosecution of any great measure; the law by which the Executive officer is charged with the execution and vested with suitable pow-

ers; and the co-operating zeal and union of the people, who are always indispensable agents. Opposition to be successful must direct its efforts against the passage of the law; or, what was more common and generally more effectual, to destroy the union and the zeal of the people. Either, if successful, is effectual. The former would in most cases be seen and reprobated; the latter, much the most dangerous, has, to the great misfortunes of Republics, presented at all times a ready means of defeating the most salutary measures. To this point the whole arguments of opposition have converged. This gives a meaning to every reason and assertion, which have been advanced, however wild and inconsistent. No topic has been left untouched, no passion unessayed. The war has been represented as unjust in its origin, disastrous in its progress, and desperate in its farther prosecution. As if to prevent the possibility of doubt, a determination has been boldly asserted not to support it. Such is the opposition to the war, which was admitted on all sides to be just; and which in a manner received the votes even of those who now appear to be willing to ruin the country in order to defeat its success. For let it ever be remembered, that the bill to raise the twenty-five thousand men passed this House almost unanimously, though it was distinctly announced for what object it was intended. How will gentlemen relieve themselves from this dilemma? Was it their object to embarrass the Administration? Will they dare to make a confession, which will so strongly confirm the motive which has been assigned to them? A gentleman from New York (Mr. EMOTT) felt the awkwardness of the situation, and, in his endeavor to explain, has made an admission which ought ever to exclude him and his friends from power. He justified his vote on the ground that he was in favor of the force as a Peace Establishment. A Peace Establishment of thirty-five thousand men! [Mr. EMOTT explained that he did not mean as a Peace Establishment, but that the posture of affairs at that time demanded it.] At any rate, said Mr. C., he hoped to hear nothing farther about the enormous expense of the war, since the principal expense ought to have been incurred in the gentleman's opinion, even had it not been resorted to. Well might the opposition admit the justice of the war. For years the moderation of the Government, he might almost say the excessive love of peace, strove to avoid the contest. We bore all that an independent nation could bear; not indeed with patience, but in the hopes of returning justice on the part of our enemy.

Mr. C. could not omit noticing the attempt made by the gentleman from New York, to palliate the conduct of England, in relation to one of the causes of the war; he alluded to the blockade of 1806. The gentleman contended that it was a relaxation of the law of nations in our favor; and of consequence must be considered by us in the light of a benefit. It surely cannot be necessary to trace the gentleman through his laborious discussion on this point, to expose the error of so extraordinary a conclusion. What, that an advantage to this country, which we have struggled so much to avoid! That, a relaxation on the part of England, which she has so obstinately refused to yield! Flushed with his supposed victory on this subject, the gentleman undertook what might be considered even a more difficult task, to remove the Orders in Council as a cause of war. Mr. C. said he despaired of replying to such arguments. But it is objected that the report of the Committee of Foreign Relations has stated the orders of 1807 as a cause of war, though repealed by those of 1809. It is a sufficient justification of the report that it has stated the facts on this, as well as all other points, precisely as they existed; and well might the report enumerate the orders of 1807 as a cause of war, when those of 1809 openly avow the principles of the former, and only modify their operation to the then existing circumstances. But, says another gentleman from New York, (Mr. BLEECKER,) we were inveigled into the war by the perfidy of France. She did not fairly repeal her decrees. Be it so; and what, then? Were we bound to submit to England, because France refused to do us justice? Had we no power of election between the ruffians? Where will the absurdity of such arguments end? The right to select was perfect in us; and, without reference to the conduct of France, the selection might and ought to fall on England. If, sir, the origin of the war furnish no sufficient justification for opposition to it, in vain will our opponents fly for refuge to its continuation. The Orders in Council, say they, are now no more, and why should the war be persisted in after its cause is removed? Mr. C. said his reply to this question was, that it was continued from no project of ambition, or desire of conquest; but from a cause far more sacred, the liberty of our sailors and their redemption from slavery. Yet the war is opposed, even attempted to be defeated, by the friends, connexions, and neighbors of these brave defenders of our national rights and honor. It is even asked, why should we feel so lively an interest in their fate? In vain are such arguments urged. The country will not forget its duty, the first of political duties, that of protection. Our opponents may find no motive in connexion or neighborhood, but the country will, in its obligation. The friends of commerce may evince their attachment to its profits and luxuries only; but the Government will not, on that account, cease to respect the liberty of the citizen, and the enlarged interest of commerce, by protecting from English slavery the sailors, by whose toil and peril it is extended to every sea. Provided they have commerce and profit, it seems the injury and insult go for nothing with the opposition. Such a commerce may, indeed, bloat the country, but it will not contribute to its real strength. It subtracts more from the spirit, than it adds to the wealth of the community.

But, say our opponents, as they were opposed to the war they are not bound to support it; and so far has this opposition been carried, that we

have been accused almost of violating the right of conscience, in denying the right set up by gentlemen, The right to oppose the efforts of our country, while in war, ought to be established beyond the possibility of doubt, before it can be justly adopted as the basis of conduct. How conscience can be claimed in this case cannot be very easily imagined. We oppose not by laws or penalties; we only assert that the opposition experienced cannot be dictated by love of country, and is inconsistent with the duty which every citizen is under to promote the prosperity of the Republic. Its necessary tendency is to prostrate the country at the feet of the enemy, and to elevate a party on the ruins of the public. Till our opponents can prove that they have a right which is paramount to the public interest, we must persist in denying the right to thwart the success of the war. War has been declared by a law of the land; and what would be thought of similar attempts to defeat any other law, however inconsiderable its object? Who would dare to avow an intention to defeat its operation? Can that, then, be true in relation to war which would be reprobated in every other case? Can that be true which, when the whole physical force of the country is needed, withdraws half of that force? Can that be true which gives the greatest violence to party animosity? What would have been thought of such conduct in the war of the Revolution? Many good citizens friendly to the liberty of our country were opposed to the declaration at the time; could they have been justified in such opposition as we now experience? To terminate the war through discord and weakness is a hazardous experiment. But, in the most unjust and inexpedient war, it can scarcely be possible, that disunion and defeats can have a salutary operation. In the numerous examples which history furnishes, let an instance be pointed out, in any war, where the public interest has been promoted by divisions, or injured by concord. Hundreds of instances may be cited of the reverse. Why, then, will gentlemen persist in that course where danger is almost unavoidable, and shun that where safety is almost certain?

But, sir, we are told that peace is in our power without a farther promotion of the war. Appeal not, say our opponents, to the fear, but to the generosity of our enemy. England yields nothing to her fears; stop, therefore, your preparation, and throw youself on her mercy, and peace will be the result. We might, indeed, have pardon, but not peace on such terms. Those who think the war a sacrilege or a crime, might consistently adopt such a course; but we, who know it to be for the maintenance of the just rights of the community, never can. We are farther told that impressment of seamen was not considered a sufficient cause of war; and are asked why should it be continued on that account? Mr. C. observed that he individually did not feel the force of the argument; for it had been his opinion, that the nation was bound to resist so deep an injury even at the hazard of war; but, admitting its full force, the difference is striking between the commencement and the continuance of hostilities. War ought to be continued until its rational object, a permanent and secure peace, could be obtained. Even the friends of England ought not to desire the termination of the war, without a satisfactory adjustment of the subject of impressment. It would leave the root that must necessarily shoot up in future animosity and hostilities. America can never quietly submit to the deepest of injury. Necessity might compel her to yield for a moment; but it would be to watch the growth of national strength, and to seize the first favorable opportunity to seek redress. The worst enemy to the peace of the two countries could not desire a more effectual means to propagate eternal enmity.

But it is said that we ought to offer to England suitable regulations on this subject to secure to her the use of her own seamen; and because we have not, we are aggressors. He denied that we were bound to tender any regulations, or that we had not. England was the party injuring. She ought to confine her seamen to her own service; or, if that was impracticable, propose such arrangements that she might exercise her right without injury to us. This is the rule that governs all analogous cases in private life. But we have made our offer; it is, that the ship should protect the sailor. It is the most simple and only safe rule; but, to secure so desirable a point, the most liberal and effectual provisions ought and have been proposed to be made on our part to guard the British Government against the evil they apprehended, the loss of her seamen. The whole doctrine of protection heretofore relied on, and still recommended by the gentleman from Connecticut, (Mr. P.,) is false and derogatory to our honor; and under no possible modification can effect the desirable objects of affording safety to our sailors, and securing the future harmony of the two countries. Nor can it be doubted, if governed by justice, she will yield to the offer of our Government, particularly if what the gentleman from New York (Mr. BLEECKER) says be true, that there are ten thousand of her seamen in our service. She would be greatly the gainer by the arrangement. Experience, it is to be feared, however, will teach that gentleman that the evil lies much deeper. The use of her seamen is a mere pretence. The blow is aimed at our commercial greatness. It is this which has animated and directed all of her injurious councils towards this country. England is at the same time a trading and fighting nation; two occupations naturally at variance, and most difficult to be united. War limits the number and extent of the markets of a belligerent, makes a variety of regulations necessary; and produces heavy taxes, which are inimical to the prosperity of manufactories and consequently commerce. These causes combined give to trade new channels, which direct it naturally to neutral nations. To counteract this tendency, England, under various but flimsy pretences, has endeavored to support her commercial superiority by monopoly. It has been our fortune to resist with no incon-

siderable success this spirit of monopoly. Her principal object in contending for the right of impressment is to have, in a great measure, the monopoly of the sailors of the world. A fixed resistance will compel her to yield this point as she has already done her Orders in Council. Success will amply reward our exertions. Our future commerce will feel its invigorating effects. But, say gentlemen, England will never yield this point, and every effort on our part to secure it is hopeless. To confirm this prediction and secure our reverence, the prophecies of the last session are relied on. Mr. C. felt no disposition to disparage our opponents' talents in that line; but he very much doubted whether the whole chapter of woes had been fulfilled. He would, for instance, ask whether so much as related to sacked towns, bombarded cities, ruined commerce, and revolting blacks, had been realized?

He was sorry to find a gentleman from Virginia (Mr. SHEFFEY) not yet cured of his fears in relation to this last prediction. He would be glad to know what was his intention—his assertions give equal notice to the House, the enemy, and the country. If danger indeed existed, he has acted with such imprudence as ought to subject him to the censure of any reflecting man; but he would acquit the gentleman, as he did not apprehend any danger. He would not admit an increased danger from a state of war, a state in which the public force and vigilance are of necessity the greatest. But, to return to the point; our cause is not so hopeless as represented by our opponents; but, on the contrary, if we only persevere, we have every reason, under present circumstances, to anticipate ultimate success. The enemy is engaged in a contest in Europe which requires his whole power. We have already compelled him to yield a point which but the last year it was prophesied that he never would. The Orders in Council are now no more; that system by which it was vainly attempted to monopolize our trade and to recolonize the American nation. But if England will not yield, we can perish as well as she. Our Republican virtue is as obstinate as her Imperial pride, and our duty to our citizens as unyielding as her prerogative over her subjects. An attempt has been made to shake our fortitude by a cry of French alliance. It has been boldly said that we are already united with that country. We united with France! We have the same cause! No; her object is dominion, and her impulse ambition. Ours is the protection of the liberty of our sailors. But, say our opponents, we are contending against the same country. What then? Must we submit to be outlawed by England in order that she may not be by France? Is the independence of England dearer to us than our own? Must we enter the European struggle not as an equal, consulting our peculiar interest, but be dragged into it as the low dependant, the slave of England?

The gentleman from Virginia (Mr. RANDOLPH) has told us that we are contending against religion in the person of England—that she is, in a word, the patroness of Christianity. Unhappy country! Doomed to submission to preserve the purity of religion! Doomed to slavery that England may be independent! Because Bonaparte is not a Protestant you must surrender your rights! Because he is a despot you dare not resist! What does the gentleman intend? Is it his wish, by thus dragging into the heat of political debate the sacred cause of religion, to promote its interest or that of a faction? If the former, let him point out an instance in ancient or modern times when the junction of religion and politics has not been fatal to the interest of both. It is this unnatural union that has engendered the foulest progeny of human woes. History is full of its disaster, and the gentleman is too familiar with its pages to require a particular recital. If the gentleman's intention is not to advance the cause of religion, but to promote the views of a party, words cannot truly describe its real character. It is a trick that has been, and still continues to be practised on the too easy credulity of our nature. Its frequency, however, does not change its nature; it may indeed furnish some apology that those who practise it are led into it without a due reflection on its character; but, when understood, what can be more shocking than that the most sacred of all things, the medium of divine communion, our consolation as mortals, should be prostrated to the gratification of some of the worst feelings of the human heart!

Such, then, is the cause of the war and its continuation; and such the nature of the opposition experienced, and its justification. It remains to be seen whether the intended effect will be produced. Whether animosity and discord will be fomented, and the zeal and union of the people to maintain the rights and indispensable duties of the community will abate; or, describing it under another aspect, whether it is the destiny of our country to sink under that of our enemy or not. Mr. C. said he was not without his fears and his hopes.

On the one hand our opponents had manifestly the advantage. The love of present ease and enjoyment, the love of gain, and party zeal, were on their side. These constitute part of the weakness of our nature. We naturally lead that way without the arts of persuasion. Far more difficult is the task of the majority. It is theirs to support the distant but lasting interest of our country; it is theirs to elevate the minds of the people, and to call up all of those qualities by which present sacrifices are made to secure a future good. On the other hand, our cause is not without its hope. The interest of the people and that of the leaders of a party are, as observed by a gentleman from New York, (Mr. STOW,) often at variance. The people are always ready, unless led astray by ignorance or delusion, to participate in the success of the country, or to sympathize in its adversity. Very different are the feelings of the leaders; on every great measure they stand pledged against its success, and almost invariably consider that their political conse-

quence depends on its defeat. The heat of debate, the spirit of settled opposition, and the confident prediction of disaster, are among the causes of this opposition between the interest of a party and their country; and in no instance under our own Government have they existed in a greater degree than in relation to the present war. The evil is deeply rooted in the constitution of all free Governments, and is the principal cause of their weakness and destruction. It has but one remedy, the virtue and intelligence of the people—it behooves them, as they value the blessings of their freedom, not to permit themselves to be drawn into the vortex of party rage. For if by such opposition the firmest Government should prove incompetent to maintain the rights of the nation against foreign aggression, they will find realized the truth of the assertion that government is protection, and that it cannot exist where it fails of this great and primary object. The authors of the weakness are commonly the first to take the advantage of it, and to turn it to the destruction of liberty.

Mr. KEY spoke in opposition to the bill.

Mr. ALSTON said, although the debate upon the subject under consideration had been protracted to so great a length, he would make a few observations in reply to the member from Maryland, (Mr. KEY.) He believed no gentlemen would disbelieve him when he told them he would not detain the House long. Mr. A. said, he always listened to the gentleman with attention, and as often admired his great ingenuity in covering his real designs and making that appear plausible and right which in fact was not so; however, upon the present occasion, it was impossible to mistake the gentleman. He began by saying that he would not vote to repeal the law declaring war against Great Britain—that would be prostrating the dignity of this nation at her feet; and what was his argument? That no step ought to be taken to carry it on. Mr. A. asked the gentleman and the House, which would be the most dignified course, to repeal the law declaring war or to refuse the only means of carrying it on with anything like success. The gentleman says he will not vote for the bill on your table, offers no system for the immediate prosecution or carrying on of the war, yet the gentleman declares he will not submit. He would go on enlisting for five years, when he well knows under existing circumstances the men cannot be obtained for the next campaign. Mr. A. asked if any man in his senses did believe that Great Britain would come to terms such as an independent nation ought to accede to if no other course was taken than that which the gentleman talked about?

The gentleman would repeal your non-importation act, reject the bill upon your table, pass such a law on the subject of seamen as would please Great Britain, and then declared you would have a peace in nine months. This then is the gentleman's project; now, it is asked, what man in this nation who possesses one spark of American feeling would be willing to take such a course?

Mr. A. said he would submit it to the House and the gentleman how well such an argument accorded with the declaration the gentleman set out with, which was, that he would not repeal the law declaring war with Great Britain, because it would be humbling this nation at her feet.

The gentleman talked of the expense of the system, said it would cost fifty millions a year; and what would the gentleman's system cost? At least one hundred millions before he could get ready to meet the enemy. Mr. A. said, the object of the bill was to get a force for the next campaign; the gentleman's system was never to make a campaign against Great Britain, but to go on trying to enlist men for five years, when it was well known that every engine the ingenuity of opposition could put in motion was resorted to, to prevent enlistment. Yet this is the only course the gentleman is willing to take for the next campaign, for the maintenance of the honor and the dignity of the nation.

But the gentleman would fight Great Britain upon the sea. Is it possible that there is a gentleman in this nation who believes that we are at this time able to meet the thousand ships of Great Britain on that element? Impossible! Yet the gentleman would meet her on the ocean. Although the gentleman is perfectly willing to vote for a navy to fight Great Britain upon the sea, he talks about expense; he weighs the national honor in one scale and the expense of the bill on your table in the other; yet the gentleman would incur all the expense of a navy to meet her at sea.

The gentleman is equally at variance with himself on the subject of the conquest of Canada; in one breath he declares the country not worth possessing, and in the next he declares it will be the means if acquired of breaking these States asunder, of destroying this Union; is it possible that it can be believed, even by the gentleman himself, that a country such as he describes Canada to be, ever can be of sufficient importance that its weight added to the Northern States will cause a disunion—a cold, sterile, rocky, uninhabitable, and inhospitable climate?

The gentleman is as much at variance with his friends, many of whom have been afraid that the old United States would be depopulated by removals into Canada, if we should acquire it. When such arguments are resorted to, what must be the feelings and indignation of every honest man in the nation?

Mr. A. verily believed that the conquest of Canada would be the surest means of cementing the Union. He would refer the gentleman and the House to the very able speech this day delivered by the gentleman from New York, (Mr. STOW,) which must have shown, to the satisfaction of every gentleman present, except that of the gentleman from Maryland, that no one act could have a tendency more to unite us together; it would be the surest means of effecting an internal communication, by uniting the Eastern and Western waters, through the great lakes, by canals, and of affording an internal navigation throughout the whole Western world; without which there would always be subjects of discon-

tents and jealousies. The gentleman has brought us to the recollection of a speech delivered by a gentleman (not now a member) from Virginia, (Mr. Eppes,) on the subject of embargo, delivered at a midnight hour. He, Mr. A., really thought that speech would never again have been brought to view by the gentleman from Maryland, for if ever that gentleman sat uneasy under the lash of a speech, it was that very speech. Mr. A. would, however, not detain the House by travelling over the proceedings of that night; they must be fully in the mind of the gentleman who has brought them into discussion. He expressed a hope that the bill might pass, as it was evidently calculated to bring a sufficient force much sooner into action, than could be brought under the present system.

Mr. Desha.—Mr. Speaker, it is not my intention to detain you long; my principal object in rising is to conjure gentlemen to bring this debate to a close. Sir, what can gentlemen flatter themselves by suffering this discussion to be protracted to so unwarrantable a length? It cannot be supposed that the substantial part of this House (I mean those who think much and speak but little) will, by theoretical or sophisticated remarks, be driven from their course. Then, sir, those long-winded speeches must be either intended for the gallery, or for gentlemen's constituents. It would certainly be unjustifiable to sport away the public money; to exhaust the public patience in making long speeches, merely for the purpose of amusing the ear of the gallery. And, sir, your constituents would much rather you would act with decision, with promptitude, in adopting measures calculated for a vigorous prosecution of the war, that it might be brought to a speedy and honorable termination, than to take up weeks in detailing the causes of the war. The people are fully apprized of the causes of the war, from the documents that have been promulgated; they are satisfied that it is a just and necessary war: that it has been forced upon us by the injustice and oppression of our enemy, occasioned in a great measure by the violent opposition of a party to the Administration. Sir, act so as to give a vigorous prosecution to the war, and act promptly, and the people will support you with manly firmness, independent of the consideration of expense.

Mr. Speaker, this bill contemplates raising twenty thousand men for one year. Although I shall vote for the bill under consideration, I do not altogether approve of it. Sir, the time of service is too short to answer a valuable purpose. I am not so sanguine as to suppose that we will overrun the British provinces in one season. I should like it much better if the time of service, as has been proposed, was extended to eighteen months, and the bounty raised in proportion. You would then have the advantage of two campaigns; in the last of which, you might calculate on a certainty of being able to do something of a decisive character, as you would have the advantage of disciplined troops; and really, sir, if this bill is to answer any valuable purpose, it ought to have been passed some time since. Gentlemen certainly must see that the object of the opposition is procrastination; they have predicted that the bill under consideration, if adopted, will not only run the country to extraordinary expenses, swell the national debt to an enormous size, but that it will ultimately bring disgrace on the Government. And, sir, they are determined that their predictions shall be realized, by putting off the passage of the bill until late in the season, thereby preventing you from obtaining the men in time to do anything of a decisive character next summer. This, in my mind, is unquestionably their object; and I believe the ambition of some of them is such, that, rather than be found false prophets, they would endanger the only republic in the world. Sir, I do not wish to be understood to include the whole Federal party; far from it. I believe there are some, and I hope a considerable portion, who are American in principle, and would, perhaps, go as far as any American in defending their country's rights. Sir, it is not my intention to arraign motives; but, speaking of party, what has been the conduct of the Federalists for twelve years past, ever since the termination of the Reign of Terror? A uniform opposition to everything of a prominent character proposed by the different republican Administrations. Now, sir, if Mr. Jefferson and Mr. Madison had been the weakest of men, as well as the wickedest, (which no man in his senses, who had any respect for his character, or standing in society, would assert,) they must have accidentally happened on something right in the course of twelve years.

Mr. Speaker, it is mortifying to see gentlemen who call themselves Americans, rise up in the face of the nation to palliate and vindicate the conduct of an enemy, and at the same time reprobate, in the strongest language of ridicule, every step proposed by the Administration calculated to counteract the iniquitous and destructive policy of our enemy. Can such conduct be called American? Sir, when it ought to be the duty and pride of every man having any pretensions to American principles, to rally under the governmental standard, in order to assist in expelling our tyrannical oppressors from the Continent, by which extricating the Government from its present difficulties, you see the Federal party making every exertion in their power to make the war a dishonorable one.

I know, Mr. Speaker, that it is in the nature of tyrannical or despotical Governments to take arbitrary strides; yet, sir, I do believe that the impositions and oppressions heaped upon the American Government; the evils under which we at this time labor, are measurably, if not entirely, attributable to the party hostilely arrayed against the Administration. Sir, they have, by their uniform opposition, led the British to believe that they had a powerful party in this country; that parties were nearly equally balanced; that it would be impossible for a Republican Administration to adhere to any decided stand taken

against England, and that finally the English party would prevail. Thus, sir, have Government been beset by party. They have been baffled in every peaceable step calculated to vindicate our rights, or redress our grievances, until, by the injustice of our foreign enemy, bottomed on the aid they calculated on receiving from our domestic foes, the Government have been forced into war. And now you are told to put a stop to the war, and try once more if Britain will not do us justice. Degrading thought! Sir, we have already humbled ourselves in making proposals, and all efforts on the part of the Administration failed. The world has seen and understood that the failure was attributable to her own wickedness, and not to our pertinacity. Sir, the American Administration has exhibited an example of moderation unparalleled in the annals of the world; our forbearance has astonished the universe, and we have the consolation to see that neither the guilt of aggression, nor the folly of ambition, can be fairly attributed to it. Negotiation, as well as patience, has been exhausted. Instead of appealing again to the justice of a Government that makes principle bend to power, we have been necessarily compelled (though reluctantly) to appeal to arms, and I trust in God that they will never be laid down short of justice. Sir, the opposition tells you that the principle of impressment is not worth contending for. Anti-American! Sir, have we come to this? Are the people—the descendants of the heroes of '76—prepared for this? They are not, the declarations of the Federalists to the contrary notwithstanding. Sir, in order to avoid this conflict with our old oppressors and inveterate foe, will we, who call ourselves freemen, friends of liberty, citizens of the only Republic in the world, suffer real Americans, the descendants of those who immortalized their names by achieving valorous deeds in the war of the Revolution, by which America was emancipated from the thraldom of the tyrant's grasp, to be kidnapped, torn from their friends and relations, confined on board of floating dungeons, and subject to the lash of every petty naval tyrant? I trust not; humanity, justice forbid it! Sir, if we have become so weak and degenerate as to acknowledge ourselves unwilling or incapable to defend and protect our own citizens, then the controversy is at an end; there is no necessity for a further prosecution of the war; we may at once abandon the stand Government has taken against tyranny and oppression. The next step is to surrender all our rights to the entire disposal of Britain, and become colonies. Is this what gentlemen want? I hope not; but if not, why this violent and systematic opposition to the stand Government has taken? Why so clamorous in favor of receding or retracing our steps? Gentlemen tell you that the people are against you; that you cannot go on; that they will not support you; that you dare not touch the pockets of the people by taxation, lest they should flounce. Pray, sir, who are the people the gentlemen speak of? A few Federalists with whom they correspond, who are in all probability attached to Britain and her policy, consequently are disposed to clamor, with an expectation that it will deter Congress from pursuing the course marked out. Sir, eight-tenths of the people are not so ignorant as not to know that their most invaluable rights and dearest interest, the liberty of posterity, are involved in the contest; for, sir, if our old masters could, by either force or machinations, bring us under them again, they would do it, as they have never pardoned us our independence; and, sir, the people are not so mercenary as not to be willing to contribute their proportionable part of the expense, which will necessarily be incurred in this just and necessary conflict; necessary, sir, because it has been forced on us by our tyrannical oppressors. Sir, it is in the power of a few disaffected characters, by engaging opposition prints, to propagate their illiberalities, and fulminate their calumnies, and having such men as Timothy Pickering, and the representative of the Essex Junto (Mr. Q.) at their head, to make a great noise; they may for a while deceive the people, and lead them astray; but I am satisfied, sir, that there is too much good sense, good information, among the people, to suffer them to turn against themselves. I am satisfied, sir, that they will ultimately discover the deception, when those designing leaders will have to shrink into their lurking holes, to prevent sanguinary vengeance from overtaking them.

Mr. Speaker, the Federalists cry out French influence! French influence! What does this mean? They know it is not the fact; they cannot produce a single instance in support of the declaration. No, sir, it is done by way of throwing dust in your eyes, to prevent you from discovering another kind of influence which I am afraid is too prevalent in this country, and which has brought the Government almost to the brink of a precipice, and now every exertion is making, by thwarting the Administration, to shove you off that precipice. Sir, the clamors which have been raised and sung so loud against the late and present Administrations, as well as against the war, sprang up in commercial towns. But it should be recollected, that it is there that foreign influence resides, and consequently the greater portion of systematic opposition to the measures of a Government in collision with that nation from which this foreign influence emanates.

Sir, why this extraordinary solicitude for the poor Canadians? I think it would be equally as honorable for gentlemen to reserve their sympathies for the innocent inhabitants of our frontiers who fall victims to the merciless and savage allies of Britain. What can be the cause of this extraordinary predilection (as it appears to me) for Britain and her principles? If gentlemen would take an impartial view of their conduct towards all nations, and more particularly America, I think they would find but little to bottom confidence on. It is almost proverbial, sir, that their touch is pollution. It would be folly to

detain you by detailing crimes. Sir, there is no crime which can be perpetrated, but for which ready precedents may be found in the conduct of that perfidious nation towards America. All nations with which they have been connected, have not only felt the perfidy of their alliance, the impotence of their protection, but the sting of their pride.

But, sir, I told you I would not detain you long, and I will not; as I have not subscribed to the new-fashioned doctrine, that a man's talents are to be measured by the length of his speech. I am old-fashioned enough, sir, to suppose a case, where, by having reference to all the documents printed for years back, and expatiating on them, long speeches might be made, and no great pretensions to talents either. Sir, I shall say no more, only to give gentlemen notice, that if this debate is not suffered to be closed in a very short time, I shall attempt to close it by calling the previous question.

Mr. Cheves rose.—It was for some time during this debate, said he, my intention to have mingled my unimportant opinions and sentiments with those of other gentlemen in this discussion; but I gave way from time to time before the eagerness of others who were desirous of presenting themselves to your attention, and I had entirely abandoned the idea of taking any part in the argument; but the sudden and unexpected indisposition at this moment of my worthy friend and honorable colleague, (Mr. Williams,) the chairman of the committee with whom this bill originated, who was expected to close the debate, has left a vacuum in the argument which I propose to fill. Could he have addressed you, as he was prepared and anxious, in the faithful discharge of his duty, to do, it would have rendered the feeble attempt which I shall make as unnecessary as it would have been impertinent and obtrusive. I propose, then, to speak, as my honorable friend would probably have done, generally, but briefly, on the several heads of discussion which have been introduced into the debate, which has not been on the bill before you, but on the general merits of the war; the origin, progress, and continuance of it. I mean not to censure the wide range which this discussion has taken. It is fair and right in gentlemen of the opposition to select some occasion during each session on which to discuss the great questions of State which the public events of the passing times present; and the one furnished by the bill before you was perhaps as proper as any other.

Almost all the gentlemen who have addressed you, have very gravely told you, by way of exordium, of their unquestionable right to do so, and of the firmness with which they mean to assert and exercise it, as if there had been, at any time, really an opposition to this freedom of discussion. These introductions must be a little amusing to the members of this House and to the attendants in your galleries, who have been in the habit of listening to the gentlemen. But if there ever could have been a doubt on this subject, and surely there never was any, the debate, which I hope is about to be closed, affords an ample refutation of it. There are parts of this debate which will descend to distant posterity as a monument of the freedom of discussion in this Hall. I trust, sir, we shall furnish few such testimonies—I hope never to see another exhibited on this floor. They must be looked upon with apprehension by all those who consider the restraints of personal politeness and the urbanity of social esteem as affording a better security to those who love peace and good manners, for the preservation of these valuable objects, than can be lent by the strongest arm or the severest sanctions which positive institutions have established; restraints under which even "vice itself loses half its evil, by losing all its grossness." I shall imitate the example of gentlemen who followed in the debate—I shall pour oil upon the waves, and endeavor to still the raging of the storm.

Gentlemen, fruitful in epithets, yet rather fruitful in their abundance than in their variety, have called this an unjust, wanton, wicked, and unnecessary war. I, on the contrary, assert it to be a just and necessary war. One characteristic difficulty here presents itself, which has occurred in all the discussion in and out of this House on this subject. What is a just and necessary war? By the advocates of war it is asserted that the injuries and insults of the enemy demanded war, and rendered this war just and necessary. The opponents of war admit the magnitude of the insults and injuries, but deny the inference. They assert that the war is unnecessary and not justifiable, because the pecuniary expenditure and loss will exceed in value the commercial objects for which we are contending. The advocates of war deny both the premises and the conclusion. The objects of the war are not merely commercial, but, if they were, the inference is denied. They admit that the pecuniary expenditure and loss will exceed the pecuniary value of the commercial objects for which they contend, but they deny that a war for commercial objects is therefore unnecessary or indefensible. To an intelligible argument it seems, therefore, under these circumstances, necessary that we should begin by some definition of a just and necessary war; and yet it seems to be a melancholy labor in a great and free State, where public sentiment should be unequivocal on such subjects, to proceed by rules of logic to establish great first principles of public sentiment; but I fear that, as all good things are purchased by concomitant sacrifices, we have not obtained the innumerable blessings and advantages of the freedom of speech and of the press for nothing. I fear they have sometimes substituted an erring reason for a better guide—the great uncontaminated current of public feeling—the moral sense of the nation, of which the honorable gentleman from Massachusetts (Mr. Quincy) so often tells so much.

But we must inquire, what is a just and necessary war? A war is just and necessary when waged to protect and defend the violated pecuniary interests of a country; or to defend and secure the sovereign rights and independence of a

country; or, lastly and principally, to support and maintain the national honor. The last, indeed, embraces all the others; and, if I have distinguished, it is rather in conformity with custom, or for the purpose of elucidation than from any practical separation which I admit between the last and the former. But I am likely to incur the derision of the honorable gentlemen in the opposition by speaking of national honor. They seem not to have admitted the term into their vocabulary; they treat it as a new language; they remind me of the character of *Goldfinch*, in one of *Holcroft's* plays, who, when he hears the Romans mentioned, exclaims, "Romans! Romans! who are they?" So the gentlemen, "national honor! what's that? what's that?" Yet, sir, strange as it may seem to the honorable gentlemen over the way, the maintenance of the principle of national honor, by which I mean that principle which animates and sustains an elevated fitness of character and conduct, is the only justifiable cause of war; and, if necessary, the principle ought to be maintained by all the sacrifices of war in its worst shape. No war is justifiable or necessary which is waged merely for pecuniary objects, if we can suppose such a war, for all wars involve expense and loss greater than the amount of any pecuniary objects for which they can be waged. On the ground of interest merely they would not, therefore, be justifiable; and there is to be superadded, what cannot be valued in money, the value of human life. But the value of everything is founded on the security with which it is enjoyed. One unpunished violation of right provokes another and another, until all security is destroyed; and, therefore, it is necessary to resist given infractions of pecuniary right by sacrifices beyond the value of the right itself, because resistance is necessary to the security of all other pecuniary rights—nay, to the security of all other rights. Security of rights is a political thing; it is the protection of Government; it derives its value, and a great portion of its power, too, from a faithful and unrelaxed application of it to all the rights and interests of a nation; and is diminished in its value, and in its power also, by any failure to afford the protection which is due by Government to the subjects and the interests under its control. To abandon any interest is to abandon all, and to protect one is to protect all; war, therefore, waged to protect one political right is waged to protect all political rights; no war is, in consequence, made for any given right merely as such, but for all the rights and interests which are bound together in a nation under the social and civil compacts. To compare the expenditure and losses of war with the value of commercial objects, which may be the immediate causes of war, is to talk idly, and to forget the true end of all war and the first great purpose of Government—security. A great man (Sir James Mackintosh) has said, "the paramount interest of every State, that which comprehends all others, is security." Will you then, it may be inquired, go to war to avenge the infraction of the smallest right under the protection of Government, and for this object jeopardize every other, and spill the blood of your fellow-citizens? Certainly not. There is a fitness which cannot be defined in anticipation, but which is easily discoverable when the occasion occurs, which determines when a war is necessary. It may depend upon the nature of the injury; on the character which the nation has acquired; on its ability to avenge the injury; on the character of the nation which has inflicted the injury, and a thousand other circumstances. The question ought always to be, What becomes the nation? What is due to the national honor? What is necessary to sustain an elevated fitness of character and conduct in the nation? If the injury sustained be one which cannot or will not probably be repeated, it is less necessary to avenge it. If the nation be poor and feeble, it may be obliged to submit to the violation of a great right. If it be great and powerful, it must sometimes resent a smaller injury; it may sometimes disdain to notice a considerable aggression upon its rights; in short, in no instance is the expense of the war a rule which will prove it just and necessary, or otherwise; in every instance is national honor, that is, a fitness of character and conduct, the rule by which its necessity and justifiable character are determinable. Generally when a nation is able to resist with effect the infraction of important pecuniary rights, it seems indubitable that an elevated fitness of character and conduct requires resistance. But this obligation is increased, and is less doubtful when any of the sovereign rights of a nation are infringed, as in gross and reiterated insults to the national flag, habitual violations of the personal liberty of its subjects, invasion of its territories, and the like; these are assaults upon its independence, and there is no room left for an inquiry into the fitness of resistance; it may indeed be supposed to change from a question of expediency to an act of necessity; it is a struggle for self-preservation; the nation acts upon a principle which is inherent in the meanest insect, and of which inanimate matter is not divested; the worm when trodden on writhes in resistance as well as anguish, and the reaction of inanimate matter seems to be the repulsive act of self-preservation.

What, then, did an elevated fitness of character and conduct require of the American Government, in relation to Great Britain, at the moment war was declared? What does it still require? I repeat, the war is a just and necessary war. This will be proved by adverting to the causes of the war. What, then, were the causes of the war? They were principally new and before unheard of blockades—the Orders in Council, which have been generally so called, by way of pre-eminence; the spoliations of our commerce under various unfounded and insulting pretexts, and the impressment of our seamen. I am not permitted by the circumstances under which I address you to go at length into any of these subjects. But I may ask, what on the ocean did we enjoy but by the sufferance of Great Britain? What insults, what injuries had we not suffered? When did

they begin; when, though they may have been varied in character, were they relaxed in degree, and when were they probably to cease? I will stop to notice one or two of the arguments which have been offered by the gentlemen of the opposition on this part of the subject.

The gentleman from New York (Mr. Emott) says, the blockade of May 1806 ought not really to have been a subject of complaint on the part of the United States, because he says it was a relaxation of the rule of '56. The rule of '56, without admitting or inquiring into the justice of the rule, may be declared to be a rule forbidding the direct transportation in neutral vessels of the produce of the colonies of a belligerent to the European ports of that belligerent. Now the blockade of May 1806, founds no interdict on the origin of the produce or commodity conveyed; but interdicts an entrance into the ports of a great line of coast which it was physically impossible actually to blockade. Indeed, this order of blockade did extend the principle of the rule of '56, by forbidding intercourse in neutral vessels from one of the ports of a belligerent, or ports dependent on him, to another of these ports. In short, this innocent and even beneficent order, as gentlemen will have it, embraces the substance of all the subsequent Orders in Council. Gentlemen have revived the old argument which originated with them and will end with them, that the French decrees were not repealed, because of the informality of the instrument—the letter of the Duke of Cadore of the 5th of August, 1810. One gentleman (Mr. Bleecker) has said that this Government was tricked by France into a war with Great Britain, and the evidence of this trick is the subsequent formal act of repeal. Now, the first act was either a repeal or it was not, and if a repeal, the subsequent act of France, though it were repugnant, could not change the character of the first act. But it is not repugnant. It is confirmatory, and recognises the first as a repeal. And so it has been considered by Great Britain, who never objected to the informality of the first act. It was left to the ingenuity of gentlemen on the other side of the House to furnish this sapient objection, and that they might not be injured in the right of authorship, they have been left to the exclusive enjoyment of it—Great Britain has never republished it; it is to be found in none of the voluminous correspondence of her Ministers. Her objections were not want of form in the act, but, 1. That the revocation was conditional and depended on the resistance of the United States to certain principles of blockade. 2. That it was partial, and applied not to all neutrals but to America alone. Now mark her consistency. She has revoked the Orders in Council, and that act of the French Government, which she has made the pretext for this revocation, is alike conditional and alike partial. It states the resistance of the United States as the ground of revocation, and it confines the revocation to America. Great Britain has then deserted the gentlemen on the other side of the House, and has herself admitted, in effect and in practice, the sufficiency of that revocation which the honorable gentlemen say was no revocation. The act of the Government was then strictly proper. The decrees of France were repealed. But gentlemen, for want of better argument, dwell on the perfidy of France to this country and the general atrocity of the conduct of her ruler. Who is the apologist of France? Is any man on this side of the House? No, sir. For my own part, I hope that the unjust acts of France may be resented and that we may be enabled to punish her for her perfidy and injustice. Without using the violent, I was about to say gross epithets which have become fashionable, I declare I abhor and detest as much as gentlemen on the other side of the House, the conduct of France. I wish Spain to be emancipated from her yoke. I shall rejoice in the conflagration of Moscow if it were to save the independence of Russia. This I hope is the language of all parties. All unite, I believe, in their abhorrence of the conduct and character of the man who sways the destiny of France. Why then is it said, when we have the will and want but the power and opportunity to resist him, that we have indulged a partiality for France? Great Britain has been properly selected as the first object of our hostility. When a proposition was made to include France as well as Great Britain in the declaration of war, gentlemen on neither side of the House did support it. The opposition prints throughout the Union laughed it to scorn. Few men thought of resisting both at once. The voice of both parties appeared to be against it. The Government, obliged to resist, was obliged to select its enemy. Should France have been selected? With the blood of our citizens insultingly slaughtered without the slightest provocation, on the shores of our own territory, unatoned for till the moment of the declaration of war, with the habitual impressment of our seamen in every sea, with the continual and reiterated violation of your right to seek where you choose a market for your native produce, all before your eyes, and with no hope of a discontinuance of these injuries, we are told that we ought to have diverted our enmity from Great Britain, and directed it against France. Where, sir, could we attack France? Where are her colonies into which we could carry our arms? Where could we subjugate her provinces? Where are her ships?—where her commerce? Where could we have carried on against her any of the operations of war? Would the chivalry of gentlemen on the other side of the House have suggested an invasion of France? An honorable gentleman from New York (Mr. Gold) said it would not have required another man nor another ship, to have resisted France. But, why, I pray you? Because such a resistance would have been confined to the idle and nugatory act of declaring it. Effectual resistance would have been impracticable. Gentlemen would resist France, would declare war against France, merely to show their indignation at her perfidy and injustice; and here I confess my feelings go with the gentleman—I would do so too, had we no other enemy to contend with.

But if we had abandoned or deferred our resistance to the injuries of England, and as a pretext for it assailed France, would not the act have been idle and weak? Would it not have been wicked, to borrow one of the epithets which gentlemen have applied to the war with England, so to have sported with the public feelings and the national resentment as to have declared war against France, the minor aggressor, whom we could not touch, and to have suppressed our resentment against Great Britain, whose injuries were unlimited and unceasing, and whom alone we could reach? But why, sir, are the injuries these nations have done us contrasted, and those of the one made an apology for those of the other? Why are we partisans of either? Have we no country of our own? Is there a land upon the globe, so fair, so happy, and so free? And, beholding and enjoying these blessings,

"Breathes there the man with soul so dead
Who never to himself hath said,
This is my own, my native land!"

Sir, I feel neither as a Frenchman nor Briton, but as an American. As a citizen of the United States, I bear no affection to any other country. If I have any feeling of partiality for either of the great belligerents, it is for the country, and the people of Great Britain. From them I draw my blood in a very short descent. But that nation is the injurer of my country, and I can see her in no other light than that of an enemy, nor can I find any apology for her in the injuries France has done us. Sir, the Government did right in discriminating between Britain and France, and selecting the former. It was the only mode of real practical resistance. The world would have laughed at us had we declared war against France, who was no longer able to injure us, whom we could not assail with effect, and have left the unceasing injuries of Great Britain to go on unresisted and unresented. The world would have considered it as a mere cover for our pusillanimity. I say then, that the Government was not tricked into a war with Great Britain. It was commenced in the prosecution of the best and most deliberate policy. It was the only honorable and practicable course. If there has been an error, and I think there has, it was in not having long since resisted England. War against England should have followed the first embargo; that was a wise measure, but it could not endure forever; it carried the policy of commercial restriction upon the enemy as far as such a policy should ever be carried, which from its nature can only be temporary. It at the same time prepared the nation for war; it brought home your wealth and seamen; it brought home your vessels, and placed you in the attitude in which the nation ought to have been previous to war, and its termination ought to have been followed by immediate and vigorous war. The pulse of the nation was high, and the confidence of the people in their rulers and resources great. Distrust has grown out of the hesitation and timidity then manifested. If the embargo had been followed up by war, some of the greatest injuries we have since suffered would not have occurred. France would not have ventured to have seized and sequestered our vessels and property as she subsequently did. She was tempted to do it because she saw we would suffer and submit to any injury.

But gentlemen say, that their great aversion to this war arises from the danger of French alliance Is it possible? Do we want the armies of France, or, if we did, could they reach our shores? Do we want her navy? Has she any that dare venture to sea? Where can she aid us? Where can we unite? There is an astonishing similarity in the history of free governments. The Athenians were afraid to resist Philip because it would involve them in an alliance with the Great King. It was alleged that he was a barbarian and the common enemy of all free States. But, said their great orator: "For my part, when I 'find a man apprehending danger from a person 'who resides in Susa or Ecbatana, and yet speak-'ing in another strain of one who is at your gates, 'who is extending his conquests in the very heart of 'Greece, the plunderer of the Greeks. I am aston-'ished, and regard that man, whoever he is, as dan-'gerous, who does not see danger in Philip." So I must regard the counsels of that man, whoever he is, who, fearing French alliance, would submit to British aggression. I mean, however, to impute no improper motive to gentlemen in the opposition—an opposition always runs into extremes, and, with a knowledge of this fact, I can easily account for their conduct, however extraordinary I may consider it, without supposing their motives to be worse than my own. If they be real, I am indeed astonished at their fears of French alliance. It seems to me impossible. But let us not by an unnecessary fear of one Power, however great, fail to repel the injuries of another Power which is continually pressing upon us. Submission to Britain now would prepare us for submission to France hereafter. The way to prepare to resist the alarming power of France, should we be assailed by it, is now to resist Great Britain, and raise up in the minds of our citizens a spirit that will fearlessly contend against injury and injustice, come from whatsoever quarter it may. But, sir, it is idle—it is worse than idle to talk of the danger of French alliance.

Gentlemen say, that popular opinion was against the war. I deny it, sir. It was called for by popular opinion; and this will not be disproved, however soon popular opinion shall incline to peace, and gentlemen on the other side of the House regain the reins of power, as they are not unlikely to do, however just and necessary the war. Any man who thought with half the ability with which the gentlemen do, must have believed that in voting for war, he was probably surrendering himself politically a victim on the altar of his country, yet it is frequently declared, that the majority have declared this war to preserve their seats. They declared it against popular opinion, too, to preserve their seats, which they hold by the tenure of popular opinion! Are gentlemen serious? Look at the

history of nations, and see if the war-makers have been generally the peace-makers. I cannot elevate the hopes of men who possess half the talents that the honorable gentlemen lay claim to (because their own sagacity must have made it known to them) by declaring that those who have made this war must be more fortunate than the authors of war usually are, if power does not change hands. Let gentlemen then be patient—the prospect before them is cheering. If the war shall be glorious, and the result happy, the best rights and interests of the country will have been secured by the exertions of the Government; and though it shall confirm the power of the majority, the gentlemen, endowed, as they undoubtedly are, with the best feelings of good men and Americans, will unite with us in a triumph which will elevate their country's honor and happiness. If otherwise, they, in the fulness of that wisdom of which they neither seem unconscious nor diffident, will administer the Government themselves, and have neither wars nor rumors of wars. But I repeat, that the popular opinion called for war. The people were not satisfied with the temporizing and pacific measures which the Government had pursued for several years; they began to declare and to believe that the Government was incompetent to the purposes for which it was instituted. Had the Government continued to show by its practice that it was incapable of defending the national rights and honor by arms, this glorious and happy Union, which we all profess to hold dear and sacred, would not long have been thought worth preserving, and would have died of mere inanition. Who would not have pointed the finger of scorn at the Government which would not go to war for such rights as those for which we entered into this contest? Let gentlemen look at the matter with impartiality, and see whether the Government would not have ceased to merit and to receive the respect of its citizens, if it failed to protect such rights and interests. It would have manifested a want of that spirit without which any Government will be despicable. But it is said, the war was declared prematurely, without the necessary previous preparations, and that in this respect the weakness and wickedness of the measure were particularly exemplified. I know, sir, that men who took upon them the office of prophets and foretellers, in both Houses of Congress, did pronounce the declaration of war premature, and predicted numerous and fatal disasters which were to follow: our commerce was to be destroyed, and our vessels indiscriminately swept from the ocean; our towns were to be sacked; our slaves were to be in a state of insurrection, &c. Their counsel was, Wait till the Winter—then the season will protect your harbors and maritime towns, and your Army will be increased and disciplined. But the season of danger has passed—I mean that season in which it was predicted we should suffer these disasters—and what portion of the evil prophecy has been realized? Has our commerce been swept from the ocean? Has it not nearly all reached our harbors in safety? Are our cities sacked? Are our slaves in a state of insurrection? It was also predicted that our gallant little Navy would be annihilated. This has been falsified by the great exploits of our naval heroes. Look on these and say whether the war was prematurely commenced or not! Would you for all the money that has been expended, and to retrieve all the sacrifices of the war, consent to expunge from the pages of history the achievements of Hull, and Jones, and Decatur? I heard the other day a patriot of the Revolution declare, in a spirit which should animate us all—speaking of the reward which it was proposed to bestow on the officers and crew of the Constitution—"I would rather add five millions to the national 'debt, than strike that single event from the na-'tional records." Would not you all? The answer from both sides of the House must be affirmative. With these events before me, I cannot regret that the declaration of war was not delayed.

But war was prematurely declared, it is said, because we had not a regular disciplined army at the time. Preparation for operations on land must have been relative to the defence of our own territory, or the invasion of the enemy's territory. The militia are the proper and the adequate defenders of the soil on which they live; for this purpose we did not want any other army. They might have been made more extensively useful. I join not with their revilers—I wish that their usefulness had not been circumscribed by a doctrine subversive of the true principles of the Constitution which was maintained on this floor. I rejoice that I combatted that doctrine; yet I do not mean to consider them as a fit army of invasion. I acknowledge that we were not prepared with a regular disciplined army, qualified for the invasion and conquest of the enemy's country. But should we have been prepared by Winter, the time to which gentlemen wished to have deferred the declaration of war? It is a truth, that a Government like ours never will, and never can, be prepared for war in peace. The great and effective preparations for war must grow out of the progress and events of the war. Notwithstanding our disasters on land, I believe our preparation is greater, and our situation better, than it would have been had the war been deferred. We were to expect, in the commencement of the war, to suffer such misfortunes. Except in the affair of Detroit, nothing has happened which should cause us to blush: that disgrace, like the disgrace of the Chesapeake, will be the harbinger of glory—I take it as an omen of victory. I pledge myself, if the war continue, it will be so in the event. As the war stands at this moment, we have suffered little, and we have humbled the pride of the enemy where it was most insulting. We have insured the confidence of the nation, from the seashore to the mountains beyond them, as far as our population reaches, in our naval ability. I ask the gentlemen on the other side of the House, whether we have not gained something in this respect by the war? In one word, who would now commence

the war and take the chance of better success in preference to the actual fortune of the war since it has been declared. It was not prematurely declared. I now contend the war ought to be be continued. Some gentlemen have thought fit to say in debate, that the only alleged cause of war was formed by the Orders in Council. But from their own act, their celebrated protest, I will prove the contrary. Impressment is there enumerated as among the causes of war, as it was in all the public acts of the time relative to the causes of war. Without more words, I am authorized in asserting that impressment was one of the principal causes of the war; and although had the Orders in Council been revoked, and their revocation known to us before war was declared, we would no doubt have temporized longer; yet this cause itself must in the end have produced war. The honorable gentleman from Virginia, (Mr. RANDOLPH,) with whom I reciprocate the appellation of friend with pride and pleasure, because party feelings break no link of my friendships, says we have renounced our objections to the British practice of impressment, because the Treaty of 1794 is silent on the subject. It is true there is no provision respecting it, but an article of the treaty discloses the fact, that many points of difference were left unsettled, and the public documents of that period show that this was among them.

[Mr. RANDOLPH explained. He did not say that the silence of that treaty was a renunciation of the objection, but it proved that the practice of impressment was not considered at that time, in itself, as sufficient cause of war.]

It appears that very soon after the General Government went into operation this practice was the subject of remonstrance; this was under the Administration of General WASHINGTON. It has been the subject of negotiation and remonstrance under every succeeding Administration. But it is alleged, because it was not settled in the Treaty of 1794, that it was not considered by General WASHINGTON as justifiable cause of war, and it is inferred that it ought not now to be considered as sufficient cause for the continuance of the war. What, sir, shall constitute cause of war? The spoliation of your property? Not so, say gentlemen, because the expenditure for redress will be greater than the injury sustained. The violation of the personal liberty of your citizens and the degradation of the ensign of your sovereignty? No, say gentlemen, General WASHINGTON did not consider these as sufficient cause of war. Will, then, any injury, or any combination of injuries, authorize or require national resentment? The reasoning of the gentlemen would lead us to a negative conclusion. But in their estimate of the actual causes of the present war, they appear to consider the business of impressment as trivial, and the Orders in Council as everything. What, sir, will you go to war for property, the value of which is only relative, and which, compared with personal liberty, is worthless, and refuse to go to war for the personal liberty of the citizen? for that which is alike

"Given to the fool, the vain, the evil—
"To Ward, to Waters, Chartres, and the Devil!"

You will wage war, and not to rescue your fellow-citizens from imprisonment and stripes? But, however this subject was to be viewed before we were actually involved in war, it must now be put on a footing of certainty; if our claim be not secured it will be surrendered; to make peace without obtaining any security against the abuse of which we complain, would be to acquiesce in it, and to acquiesce in it would be to surrender the rights of the country. This was the reasoning of Mr. King, who in one of his communications to Government on this subject says, he has abandoned negotiation, because to acquiesce in the views of the British Government would be to surrender our rights. And shall I be obliged, sir, to come here with volumes of documents to prove the rights of the citizen; to demonstrate that the naval officers of Britain have not a right to incarcerate him; to drag him to the gangway and flog him? Shall I be obliged by a laborious process of reasoning to prove the obligation of Government to rescue him from such suffering? No, gentlemen generally have abandoned this ground, and say, that the impressment of our citizens is under proper circumstances justifiable cause of war; and the gentleman from North Carolina, (Mr. PEARSON,) who opened the debate on this subject says, that if a fit proposition, accompanied by means calculated to give it a fair chance of success, were tendered and did not procure a cessation of the practice of impressment, he would support the war. What is the proposition which he submits? That we shall prohibit from serving in our ships the seamen of Great Britain and other foreign seamen, and confine our crews to our own citizens. This being done he will support the war. I challenge gentlemen on the other side of the House to say distinctly to the people, for whom an honorable gentleman (Mr. QUINCY) has said this debate was intended, that this war should not be continued for the protection of our seamen; they will not, they dare not. But if they are against the continuance of the war it is on that ground and no other. The honorable gentleman from Virginia (Mr. RANDOLPH) says, Great Britain has a right to insist on the services of her own subjects, and that England would not be England if she could not command them. I say, that America will cease to be America if she suffers her to command them at the price of the liberty of her citizens and the honor of her flag. The same gentleman says, England will nail the flag to the mast and go to the bottom with it, rather than surrender the right of taking her seamen from on board our merchant vessels. I hope, sir, we shall imitate the noble example she sets us, and make every sacrifice rather than give up our citizens to bondage and stripes.

I perceive, sir, that I am occupying too much of your time, and I will pass over many of the observations I meant to have made. I will not travel over the history of our negotiations on this subject, as I intended to have done, but come immediately to the proposition of Mr. Russell. It

was, that we should pass laws prohibiting under the severest penalties the employment of any other seamen than American citizens on board our vessels, including under this denomination only natives and those who are already naturalized. This brings me to the discrimination made by the gentleman from North Carolina, to whom I have before alluded. He would support the Government, he said, in a war for the protection of native seamen, if such laws were passed as would prohibit the employment of others. Will he not also support a war for the protection of those already adopted into our political family? He will; I answer for it, he will. As a man feeling for the character of his country he will; as a man of honor, he will. Look at the Constitution—it gives the power to naturalize. Excuse me, sir, for descending for a moment to verbal criticism. What is the import of the verb, *to naturalize?* It is to make men as native citizens. The Constitution has given the power to Congress to do this, with but one limitation. And what has Congress done? It has naturalized foreigners without any other than the Constitutional limitation, but it has done it on condition, that they forever abjure their native allegiance! On oath they declare, that they will serve no other Sovereign, and, in consequence, solemnly renounce the protection of every other! It is impossible for any native to be, politically, more an American—it imposes on him every obligation and gives him every right, except that of a capacity to be the Chief Magistrate of the nation. What, then, is the obligation of the Government to the adopted citizen? Pledged by the Constitution and the laws to protect and treat him as a native citizen, can the functionaries of that Constitution and those laws discriminate between him and a native citizen? Was the provision of the Constitution, were the laws of naturalization wise? are questions which may be fairly made, but having already pledged the faith of both, if you do not protect him your character is gone. It will stink in the nostrils of posterity! Will you say that you cannot protect him? Will you adopt the idea, which has been suggested, of giving pensions to them in lieu of political protection? A pension of six hundred dollars in lieu of the privileges of an American citizen! I am shocked at the idea. How worthless, how degraded in the eyes of mankind would we be could we make such a faithless compromise. Who will sell his birth-right, who will sell his right of affiliation for a pension of six hundred dollars? Will you, can you then discriminate between the protection due to native and naturalized citizens? Let not any mariner be naturalized, if you choose to forbid it, but do not pledge the sacred faith of the Constitution and the laws and then violate that pledge under any such untenable pretext.

But, say gentlemen, the public law of all nations on earth, ancient and modern, has denied the right of expatriation. Admit that they are correct, and for the purpose of the argument, I do admit that such is the general law. But what is this law as modified by the practice of nations? Every nation which has thus forbidden expatriation has at the same time granted naturalization, and the general practice of nations is undoubtedly the law of nations. Does not England naturalize foreigners? Does she not naturalize your citizens? If she does not do it as generally as you do, it is because it is not her policy to do so; it is enough that she naturalizes your seamen; it is enough that all nations have, at the same moment, forbidden expatriation and granted naturalization. The law must be the result of neither exclusively, but of both these practices. Mr. Burke, (the great Edmund,) who was certainly no innovator, denominates Charles XII the murderer of Patkul. Patkul was born a Swedish subject and had repeatedly taken up arms against his Sovereign, he was adopted by Russia and had been her Minister at the Court of Poland. Charles XII, the Sovereign to whom his natural allegiance was due, obtained possession of his person and put him to death—this act Mr. Burke denominates murder!

Governments which have naturalized foreigners have protected their naturalized subjects, and the Government to whom the native allegiance of such subjects was due, though they have denied the right of expatriation, have not impugned the protecting interposition of the adopted sovereign. If they have, it has been considered as an act of unprincipled violence, and in the instance of Patkul has merited and received the denomination of murder. On this subject I will quote a single sentence from one of Mr. King's letters; he says, "it behooves the British Government to adhere to the principle of natural allegiance wholly or renounce it wholly." Contending themselves for the right of naturalization, can the British Government deny it to others? On the part of this Government sufficient evidence of its pacific and accommodating disposition appears in its offer to surrender everything it can consistently with national faith. On the part of Britain a protraction of the war, by refusing to meet us on the terms proposed, can proceed from no other motive than a determination to continue that abuse of power which she has inflicted and we have suffered so long. The ground taken by this country is what we must insist upon keeping, and I doubt not we will succeed if we contend for it as we ought. The informality of the negotiation between our Chargé d'Affairs and the British Government has been mentioned as a cause of its failure. If there had been an amicable disposition on the part of the British Government the authority would have been considered ample. If there be not an amicable disposition we will negotiate in vain. We must fight or we shall never succeed in obtaining a recognition of our rights. I will advert to one argument of the gentleman from New York, (Mr. EMOTT,) who has examined this subject with ability. It is that one which appeared to me to make the greatest impression on the House. He said he had examined the voluminous document on the subject of impressment, which was printed during the last

session by order of the House, and that it did not appear from that document that more than ninety-three American seamen had been impressed in the year 1809; from which I believe every one who heard him inferred that it was proved affirmatively by that document, that no more than ninety-three American seamen, who were named therein, were impressed in that year. Now, what is the fact? The document does not state in one case, perhaps of eight or ten, when the impressment took place, and there are one thousand five hundred and fifty-eight persons named in that document. Of course the gentleman could not be authorized to say that but ninety-three, or any other precise number, were impressed in 1809. All those, the date of whose detention is not stated, may have been impressed in 1809. It is probable much the greatest portion was. A more particular examination of this point of inquiry will prove the magnitude of the evil. From the 1st of April, 1809, to the 30th September, 1810, a period of eighteen months only, a single agent of this Government, in London, received one thousand five hundred and fifty-eight applications from impressed seamen. How many were unable to apply? Men imprisoned on board ships of war, scattered over the ocean and on distant stations, how could they apply to Mr. Lyman in London and give in their names? The number impressed must have been great indeed when a single agent in the short space of eighteen months registered the names of one thousand five hundred and fifty-eight applicants. Of this number a part was discharged, acknowledged to be Americans beyond the possibility of denial; a small number is detained as being born in England, and the remainder are detained under various pretexts—such as, supposed to be born in England, being on distant stations, having consular certificates proving them Danes, Swedes, &c.; as if they had any better right to take from on board an American vessel a Swede or a Dane than an American citizen. Even their own doctrine goes to assert a right to seize none but their own subjects. I ask now, whether the impression made by the gentleman from New York was a just one? Whether it does not appear probable that at least one thousand of those contained in this list were impressed without even a plausible pretext? But if in a single statement I make out a result so variant from the statement of the gentleman, I beg you and the public to test the other statements of the gentleman in the same way. Not, sir, that the gentleman made the statement with any unfair intention, for no man is more honorable or correct—he has my highest esteem—but, it will show how liable we are to err—nay, how prone we are to err when our feelings and habit of thinking run with our argument. So much for impressment. It is an abuse such as cannot be tolerated by an independent nation. It is one which ought to be resisted by war.

In relation to the bill immediately before us. Sir, I have no knowledge of military matters. I confess I have considerable doubt as to the particular character of the force contemplated by the bill; but it is necessary that confidence in this respect should be reposed somewhere by those who have no confidence in their own judgment, and I am willing to repose it in those who recommend this bill. Gentlemen are alarmed at the idea of a standing army. What is the difference between this force and the volunteer force heretofore authorized to be raised? Fifty thousand men were authorized by the law on that subject now proposed to be repealed, and twenty thousand only by this bill which is proposed to substitute it. How stands the question as to power conferred on the Executive? He has had heretofore a greater force at his command, and with no difference in character, except that this is to be of a more regular character. Those might be raised for three years; these but for one. Those he officered without control; these under the partial control of the Senate. There is nothing therefore to dread in this bill.

One word in relation to the ways and means. The gentlemen have told you of the great expense of the war, and the great expense that will flow from the passage of this bill. What is the magnitude of the expense, compared with the importance of the object! Compare the last year's expenditure with that of the British nation, and see how infinitely limited our expenses appear. We incurred a debt for the last year of ten millions of dollars. Look at the sum wanted to supply the necessary funds for the expenses of the British nation, consisting of about double our population, for one year. Fifty-eight millions of pounds sterling! and this in addition to the immense burdens imposed for sinking the principal and discharging the interest on the pre-existing debt. It is said ten millions of dollars of debt have been entailed in the last year on the lands, property, and interest of this nation. Yes, sir, every citizen of the United States has to encounter the immense burden—of what? A debt of one dollar and twenty-five cents for each soul. The wealth and industry of this country are burdened to this amount. The honest mechanic, farmer, or planter, is liable, he and his posterity, to this *vast* amount, for the defence of his country for the last year! No, sir, not even so much; it will fall where it will not be felt, on the wealth of the country. On him not five and twenty cents perhaps of the debt will fall. The honest laboring man will have to encounter the immense burden of twenty-five cents; it will require a payment from him of as much as five cents per annum for four or five years to extinguish this debt. This is the horrible spectre which gentlemen imagine is to deter us from the prosecution of a just and righteous war. But twenty millions, it is said, will be required for the service of the ensuing year, and there are no means of getting it. Sir, there is more money liberated from commercial pursuits by the operations of war twice over than will be wanted in the year. The banks themselves could lend it from their emancipated capital. If the merchants do not employ their funds desperately, there will be more money liberated from commerce during the ensuing year,

than would supply the Treasury for two years to come. There are in the United States fifty, as some say, I say sixty millions of bank capital, on which an hundred millions can be discounted. Where can this sum be employed? Where is the commerce which can employ it? Where is the agriculture which require it? Where are the manufactures which require it? How can we employ it? It must go into the funds and be loaned to the Government, unless there be a want of confidence in it. There can be no want of confidence. The error of omitting to lay taxes I believe was a great error; I would have made assurance doubly sure; but it is not yet too late for the Legislature to do its duty—and there is no doubt then but the loans will be obtained on reasonable terms. But say that I am wrong in my calculations. I will put it upon the general ability of the country. Is this nation poor and miserable! Have we no resources? Is the war just and necessary? If so, will it be said that you have not the ability to carry it on? If the war be just, and you have the ability, it must be drawn forth. If the war be not just, put it down. If it be just, I feel confident it will be supported. There may have been errors in its management, but they may be corrected—and success cannot but crown the arms of the people striving in so just a cause.

The question was then taken on the passage of the bill, and decided in the affirmative.—For the bill 77, against it 42, as follows:

YEAS—Willis Alston, jun., William Anderson, Stevenson Archer, Daniel Avery, Ezekiel Bacon, David Bard, Josiah Bartlett, Burwell Bassett, William W. Bibb, William Blackledge, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, Francis Carr, Langdon Cheves, James Cochran, John Clopton, Lewis Condict, William Crawford, Richard Cutts, Roger Davis, John Dawson, Joseph Desha, Samuel Dinsmoor, Elias Earle, William Findley, James Fisk, Meshack Franklin, Thomas Gholson, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, John A. Harper, Aylett Hawes, John M. Hyneman, Richard M. Johnson, Joseph Kent, William R. King, Abner Lacock, Peter Little, Aaron Lyle, Thomas Moore, William McCoy, Samuel McKee, Alexander McKim, Arunah Metcalf, Samuel L. Mitchill, Jeremiah Morrow, Hugh Nelson, Anthony New, Thomas Newton, Stephen Ormsby, Israel Pickens, James Pleasants, jun., Benjamin Pond, William M. Richardson, Samuel Ringgold, Thomas B. Robertson, John Rhea, John Roane, Jonathan Roberts, Ebenezer Sage, Lemuel Sawyer, Ebenezer Seaver, John Sevier, Adam Seybert, Samuel Shaw, George Smith, John Smith, William Strong, John Taliaferro, George M. Troup, Charles Turner, jr., William Widgery, and Richard Winn.

NAYS—John Baker, Abijah Bigelow, Harmanus Bleecker, James Breckenridge, Elijah Brigham, Epaphroditus Champion, Martin Chittenden, Matthew Clay, Thomas B. Cooke, John Davenport, junior, William Ely, James Emott, Asa Fitch, Thomas R. Gold, Charles Goldsborough, Edwin Gray, Jacob Hufty, Richard Jackson, jun., Philip B. Key, Lyman Law, Joseph Lewis, jr., William Lowndes, Archibald McBryde, James Milnor, Jonathan O. Moseley, Joseph Pearson, Timothy Pitkin, jun., Elisha R. Potter, Josiah Quincy, John Randolph, William Reed, Henry M. Ridgely, William Rodman, Daniel Sheffey, Richard Stanford, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Uri Tracy, Laban Wheaton, Leonard White, and Thomas Wilson.

Ordered, That the title be, "An act in addition to the act, entitled 'An act to raise an additional military force, and for other purposes."

FRIDAY, January 15.

Mr. RHEA, from the Committee on the Post Office and Post Roads, reported a bill to encourage vaccination; which was read twice, and committed to a Committee of the Whole on Monday next.

The amendments of the Senate to the "bill providing Navy pensions in certain cases" were read, and concurred in by the House.

The bill from the Senate "supplementary to an act, entitled 'An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for those purposes," was read twice, and referred to the Committee on Military Affairs.

On motion of Mr. ROBERTSON,

Resolved, That the Committee on the Public Lands be directed to inquire into the expediency of authorizing the Register of the Land Office at New Orleans, and the Register of the Land Office at Opelousas, respectively, for the Eastern and Western districts in the State of Louisiana, to receive additional evidence on claims to land authorizing the Registers and Receivers of Public Moneys of the said Land Offices to reconsider and decide on the claims, in favor of which new testimony shall be adduced; their decisions, however, to be subject to the revision of Congress when reported on; and that the committee report by bill, or otherwise.

The House resolved itself into a Committee of the Whole on the bill making certain partial appropriations for the year 1813. The bill was reported with amendments; which were concurred in by the House, and the bill ordered to be engrossed, and read the third time to day; which was subsequently done, and the bill passed.

The House resolved itself into a Committee of the Whole on the bill for the relief of Jared Shattuck. The bill was reported without amendment, and ordered to be engrossed, and read the third time to-morrow.

The House proceeded to consider the amendments of the Senate to the bill "in addition to the act concerning letters of marque, prizes, and prize goods;" which were again read at the Clerk's table: Whereupon,

Resolved, That this House do disagree to the said amendments, and desire a conference with the Senate upon the subject-matter thereof; and that managers be appointed at the said conference on their part.

Messrs. BASSETT, REED, and MCKIM, were appointed managers on the part of the House.

The House again resolved itself into a Com-

mittee of the Whole on the report of the Committee on the Public Lands, made the second of December last, respecting an extension of the time limited by law for the payment of lands purchased of the United States; and, after some time spent therein, the Committee rose, and had leave to sit again.

A motion was made by Mr. SHEFFEY, that, when the House adjourns, it will adjourn to meet again on Monday next. Negatived—yeas 51, nays 56.

On motion of Mr. LITTLE, the House agreed to reconsider the vote last taken on the motion for an adjournment until Monday.

The question was then again taken on the said motion, and passed in the affirmative.

Mr. TROUP, from the Committee on Military Affairs, to whom were referred the amendments to the bill supplementary to the act, entitled "An act for the more perfect organization of the Army of the United States," reported the agreement of that committee to the said amendments.

The amendments were then again read at the Clerk's table, and, except the last, concurred in by the House.

A motion was made by Mr. MILNOR to postpone the further consideration of the last amendment until Monday, which was rejected.

The question was then taken to concur in the amendment, and passed in the affirmative.

A message from the Senate informed the House that the Senate have insisted on their amendments disagreed to by this House to the bill "in addition to the act concerning letters of marque, prizes, and prize goods," and have agreed to the conference asked by this House upon the subject matter thereof.

HIGHLAND TURNPIKE.

Mr. MITCHILL, from the select committee, to whom was referred the memorial of the President, Directors, and Company, of the New York Highland Turnpike, made the following report, which was concurred in:

For the reasons and considerations therein stated, the memorialists ask the aid of twenty thousand dollars, or some other adequate contribution, for the purpose of building a bridge, and completing a road through the chain of mountains on the east side of Hudson river, between the cities of New York and Albany.

They urge in favor of their request, that the mail will be transported with greater speed, and troops and ordnance enabled to travel with additional ease, after the meditated improvements shall be completed. Indeed, they wish it to be patronized as a *military way*.

During the last session of Congress it was decided, after a fair and careful inquiry, that it was not expedient to make grants of land or money, for canals or similar conveyances, in the existing state of the Treasury and our public affairs.

The committee have not been able to discover anything in the memorial before them, entitling it to a preference over many others which have been laid aside.

It is hoped the time is not far distant, when the road of the memorialists, and numerous travelling routes besides, may be improved by a liberal extension of the national means. But the present does not appear to be the convenient season. At a more opportune moment, and in a more favorable condition of the finances, the committee anticipate a facilitated intercourse through various tracts of this extensive country, binding its citizens together by strong and increasing ties of convenience and interest. In this excellent work they have no doubt the memorialists will be considered and assisted.

In the mean time, it is recommended, that the memorialists have leave to withdraw thir papers.

PUBLIC LANDS.

Mr. HEMPSTEAD observed, that he had certain resolutions to submit, on which, as they were somewhat in detail, he would ask the liberty to make a few remarks. Under the second section of the first act for adjusting land claims in the Territory of Louisiana, (now Missouri,) each actual settler was entitled to six hundred and forty acres of land, together with such other and further quantity as heretofore had been allowed for the wife and family of such actual settler, agreeably to the laws, usages, and customs of the Spanish Government. A majority of the board of Land Commissioners in that Territory were, under that section, so liberal in their grants, that it excited the alarm of Government. This alarm, sir, was soon transferred to the people, and has continued ever since; because a majority of the board passed from one extreme to the other, and granted, in many instances, only one hundred, one hundred and fifty, or two hundred arpens, where they had before granted seven or eight hundred arpens. The grants for the smaller quantities are contained in the lists of grants, and, being final against the United States, would never come before Congress, unless upon petitions from individual claimants. Other boards of Commissioners, acting under the same law, have granted to the actual settler in every instance, when the law had been complied with, six hundred and forty acres; and it would seem to me, sir, that the people of the Missouri Territory are entitled to the same justice.

The second resolution is to provide as well for rejected claims, in which no testimony has been adduced, as when testimony has been received; and to prevent individual claimants from loading our table with petitions. The mode pointed out will present all the claims to Congress at one time. With these observations I shall submit the resolutions for the sanction of the House:

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of authorizing, in favor of the claimants, the re-examination of the grants of land made by the board of Commissioners for ascertaining and adjusting the titles and claims to land in the district of Louisiana, under the second section of the act, entitled "An act for ascertaining and adjusting the titles and claims to land within the Territory of Orleans and the district of Louisiana," passed the 2d of March, 1805; and also the grants made by the Recorder of Land Titles for the Territory of Missouri, under that part of the third

section of the act, entitled "An act further providing for settling the claims to land in the Territory of Missouri," passed the 13th of June, 1812, which provides for settlement of donation rights in all cases where the quantity of land granted is less than six hundred and forty acres; and that said committee have leave to report by bill, or otherwise.

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of authorizing the Recorder of Land Titles for the Territory of Missouri to receive testimony in all the claims to land in which none has been adduced, and which are rejected in the report made by the late board of Commissioners for ascertaining and adjusting the titles and claims to land in the then district of Louisiana, now Territory of Missouri; and, afterwards, to arrange into classes, according to their respective merits, as well the claims embraced by this resolution, as the other rejected claims mentioned in said report, and make abstracts containing the substance of the evidence in support of such claims, and such other information and remarks as may be necessary to a proper decision thereon, and report on said claims to the General Commissioner of the Land Office; and that said committee have leave to report by bill, or otherwise.

Resolved, That said committee be instructed to inquire into the expediency of granting the right of preemption to actual settlers on the public lands in the said Territory of Missouri; and that said committee have leave to report by bill, or otherwise.

The resolutions were then agreed to.

MONDAY, January 18.

Two other members, to wit: from Massachusetts, PELEG TALLMAN; and from Pennsylvania, WILLIAM PIPER, appeared, and took their seats.

Mr. CHEVES, from the Committee of Ways and Means, reported a bill authorizing the issuing of Treasury notes for the service of the year 1813; which was read twice, and committed to a Committee of the Whole on Thursday next.

Mr. C., from the same committee, reported a bill authorizing the loan for a sum not exceeding —— millions of dollars; which was read twice, and committed to a Committee of the Whole on Thursday next.

Mr. C, from the same committee, reported a bill for the relief of the Bible Society of Philadelphia; which was read twice, and committed to a Committee of the Whole to-day.

On motion of Mr. GHOLSON, the Committee of the whole House were discharged from the consideration of the report of the Committee of Claims, on the petition of Rebecca Hodgson, and the said report and petition were recommitted to the Committee of Claims.

The House resumed the consideration of a resolution offered by Mr. TALIAFERRO, directing the Committee on Post Offices and Post Roads to inquire into the propriety of authorizing the transportation of the mails of the United States by steamboats, wherever the Postmaster General shall deem that mode of conveyance expedient. After considerable conversation, the resolution was agreed to, with a slight amendment.

A message from the Senate informed the House that the Senate have passed the bill "making certain partial appropriations for the year 1813." The Senate have passed a bill, entitled "An act for the relief of the Bible Society of Philadelphia;" in which they desire the concurrence of this House.

A bill relating to certain claims to land in the district of Vincennes, went through a Committee of the Whole, and was ordered to be engrossed for a third reading.

AMENDMENT TO THE CONSTITUTION.

Mr. PICKENS, after observing that the Legislature of North Carolina, at its last session, had passed a resolution proposing an amendment to the Constitution, the object of which is to establish throughout the United States a uniform mode of election of Electors of President and Vice President of the United States; and that, as he conceived this to be an auspicious moment for making what he deemed an important and necessary amendment to the Constitution of the United States, and the proper mode of doing it to be, in the first instance, to propose it for the adoption of Congress, offered for consideration the following resolution:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, That the following article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three-fourths of the said Legislature, shall be valid, to all intents and purposes, as part of the said Constitution, viz:

That, for the purpose of choosing Representatives in the Congress of the United States, each State shall, by its Legislature, be divided into a number of districts, equal to the number of Representatives to which such State may be entitled.

Those districts shall be formed of contiguous territory, and contain, as nearly as may be, an equal number of inhabitants entitled by the Constitution to be represented: In each district the qualified voters shall elect one Representative, and no more.

That, for the purpose of appointing Electors of President and Vice President of the United States, each State shall, by its Legislature, be divided into a number of districts equal to the number of electors to which such State may be entitled. Those districts shall be composed of contiguous territory, and contain, as nearly as may be, an equal number of inhabitants entitled by the Constitution to representation. In each district the persons qualified to vote for Representatives shall appoint one elector, and no more. The electors, when convened, shall have power, in case any one or more of those appointed as above prescribed shall fail to attend, for the purposes of their said appointment, on the day prescribed for giving their votes for President and Vice President of the United States, to appoint another or others to act in the place of him or them so failing to attend.

Neither the districts for choosing Representatives nor those for appointing electors shall be altered in any State, until a census and apportionment of Representatives under it, made subsequent to the division of the State into districts, shall change the number of Representatives and of electors to which such State shall be entitled. The division of the States into districts here-

by provided for, shall take place immediately after this amendment shall be adopted and ratified as a part of the Constitution of the United States, and successively afterwards, whenever, by a census and apportionment of Representatives under it, the number of Representatives and of electors to which any State may be entitled shall be changed: The division of such State into districts for the purposes both of choosing Representatives and of appointing electors shall be altered agreeably to the provisions of this amendment, and on no other occasion.

The resolution was committed to the Committee of the Whole on the state of the Union.

BOUNTY ON ENLISTMENTS.

Mr. CONDICT said it would be recollected that, by concurrence in the Senate's amendments to the bill respecting the present Army, the House had agreed to dispense with their proposed increase of bounty on enlistments. It was the opinion of Mr. C. that this increase of bounty to future enlistments ought not to have been withheld, as it would form a great inducement to enlistments, which, he believed, ought at this moment to be encouraged by every means in the power of the Government. He therefore moved a resolution to the following effect:

Resolved, That the Committee on Military Affairs be instructed to report a bill authorizing an increase of bounty to the soldiers hereafter enlisted in the service of the United States.

Mr. FISK spoke in favor of the motion, on the principles on which he and others before supported it.

Mr. GOLD spoke against it as proposing a wasteful and extravagant expenditure of the public resources.

Mr. BACON approved the principle of the resolution; but, the Senate having shown their hostility to it, he conceived, if revived, the proposition should come from the Senate. Its present agitation in this House, he thought, would serve only to paralyze enlistments. He should therefore vote against against it.

Mr. CONDICT said, whatever might be the disposition of the Senate, it was for this House to do its duty without regard to the opinions of others. If the proposition was correct, the argument urged by the gentleman last up was of no weight.

The question on the resolution was decided in the negative. For the motion 43, against it 44.

JARED SHATTUCK.

The bill for the relief of Jared Shattuck was read a third time.

Mr. MCKIM moved that it lie on the table.—Motion lost.

After some observations against the bill, from Mr. MCKIM, and in favor of it, from Mr. WIDGERY, the question on the passage of the bill was decided in the affirmative, as follows: For the bill 77, against the bill 28, as follows:

YEAS—Willis Alston, jr., Stevenson Archer, Daniel Avery, Ezekiel Bacon, John Baker, Abijah Bigelow, Wm. Blackledge, James Breckenridge, Elijah Brigham, Robert Brown, William Butler, Francis Carr, Epaphroditus Champion, Langdon Cheves, Martin Chittenden, John Clopton, Thomas B. Cooke, William Crawford, John Davenport, jun., John Dawson, Samuel Dinsmoor, Elias Earle, William Ely, James Emott, William Findley, James Fisk, Asa Fitch, Thomas Gholson, Thomas R. Gold, Charles Goldsborough, Peterson Goodwyn, Edwin Gray, Isaiah L. Green, John A. Harper, Aylett Hawes, Richard M. Johnson, Philip B. Key, Lyman Law, Joseph Lewis, jun., William Lowndes, Thomas Moore, Archibald McBryde, Samuel McKee, Jonathan O. Moseley, Hugh Nelson, Anthony New, Thomas Newbold, Thomas Newton, Stephen Ormsby, Joseph Pearson, Israel Pickens, Timothy Pitkin, jun., James Pleasants, jun., Benj'n Pond, Elisha R. Potter, Josiah Quincy, Henry M. Ridgely, Samuel Ringgold, Thomas B. Robertson, William Rodman, Ebenezer Sage, Lemuel Sawyer, John Sevier, Adam Seybert, Daniel Sheffey, George Smith, John Smith, Silas Stow, Lewis B. Sturges, Samuel Taggart, Uri Tracy, George M. Troup, Laban Wheaton, Leonard White, William Widgery, Thomas Wilson, and Richard Winn.

NAYS—David Bard, William Barnett, Burwell Bassett, William W. Bibb, Adam Boyd, James Cochran, Lewis Condict, Roger Davis, Joseph Desha, Felix Grundy, Bolling Hall, Obed Hall, Jacob Hufty, John M. Hyneman, William R. King, Abner Lacock, Peter Little, Aaron Lyle, William McCoy, Alexander McKim, Jeremiah Morrow, William Piper, John Rhea, Jonathan Roberts, Thomas Sammons, Samuel Shaw, William Strong, and Robert Whitehill.

COMPENSATION FOR CAPTURES.

The House resolved itself into a Committee of the Whole on the bill "relating to captures."

[The bill provides that compensation shall be allowed to the officers and crews of our public vessels, for vessels of the enemy necessarily destroyed at sea after their capture.]

Mr. BASSETT stated to the House the considerations by which the Naval Committee had been induced to report this bill. It grew more immediately out of the case of the Guerriere destroyed by the Constitution—a case precisely in point. Such a principle as that which the bill proposed, he believed, had been engrafted in the British service. It was at least required by equity and sound policy, where the public service required the destruction of a vessel for fear of re-capture by the enemy in its disabled state, that some compensation should be made to the captors in lieu of that which would have accrued from the sale of the vessel had it been brought into port.

Mr. H. CLAY (Speaker) spoke in opposition both to the principles and details of the bill. He was disposed to believe the principle unprecedented in any other country; but even if it were not, he thought it ought not to exist in this country. It would have the effect to make it the interest of the captor, unless the vessel should be immediately on the coast, or in the very mouth of our rivers, to destroy the captured vessel. On consulting the underwriters gentlemen would find the premium required on bringing in a vessel of any description from any considerable distance, would be equal to one half her value; and, as proof of it, Mr. C. instanced the high insurance

even from Charleston and New Orleans, along our own coast, to a northern port. The strongest possible temptation would, therefore, be offered by giving half the value of the destroyed vessel to the captors in case of her destruction. Mr. C. moved to strike out the first section of the bill.

Mr. Bassett replied to Mr. Clay, and defended the bill, on the ground of expediency and of precedent. In the British nation, he said, rewards were always liberally bestowed on skill and valor, and they must always be by every country that wishes to encourage these qualities in its citizens. The principle did exist in the British service, not by statutory, but by admiralty regulations; and in all such cases rewards had been liberally dispensed.

Mr. Bacon opposed the bill as inexpedient and unprecedented. To show that it went beyond the British legal provisions in that respect, he quoted a statute of that nation which allows to the captors of vessels, so destroyed as the bill contemplates, a bounty of five pounds for every man found alive on board said captured vessel, the aggregate to be equally distributed among the crew of the captors. Further, he believed, that Government had not gone.

Mr. Cheves on this remarked, that every encouragement was afforded to British naval officers, by their Government, as well by promotions to higher office and to nobility, &c., which were not known in this country, as by pecuniary rewards and pensions, not in all cases by statutory, but by Executive sanctions. He was disposed to be liberal to our officers, to foster our rising navy. But, though friendly to the principle, he objected to the particular details of the bill, which he thought susceptible of modifications which would be better made in select committee than in the House. He, therefore, moved that the Committee rise.

Mr. Quincy objected to the principle of the bill, which he thought fundamentally questionable. He was for providing specially by statute for each case after its occurrence, where the circumstances of the case required an exercise of liberality by Congress, and to legislate generally for future occurrences.

The Committee then rose, reported progress, and were refused leave to sit again; and,

On motion of Mr. Cheves, the bill was recommitted to the Naval Committee.

The House then resolved itself into a Committee of the Whole on the bill giving the right of pre-emption in the purchase of public lands to certain settlers in the Illinois territory. After considerable discussion, negativing a motion of Mr. Bibb to strike out the first section, and rejecting an amendment proposed by Mr. Johnson, the Committee rose and reported the bill, and the House adjourned.

Tuesday, January 19.

A message from the Senate informed the House that the Senate have passed a bill "to carry into effect the report made to Congress in February, 1803, by James Madison, then Secretary of State, Albert Gallatin, Secretary of the Treasury, and Levi Lincoln, Attorney General of the United States, Commissioners appointed in pursuance of the act, entitled "An act for an amicable settlement of limits with the State of Georgia, and authorizing the establishment of a government in the Mississippi Territory, in obedience to the provisions of the act supplemental to the last mentioned act;" in which they desire the concurrence of this House.

Mr. Morrow presented a declaration and sundry resolutions of the Legislature of the State of Ohio, expressive of their opinion of the state of our foreign relations, and of their determination to support the General Government in their measures for the prosecution of the war against Great Britain.—Ordered to lie on the table.

On motion of Mr. Hempstead, the petition of Daniel Boone, presented on the eighth of January, 1810, and the resolutions of the Legislature of the State of Kentucky in his behalf, presented on the fourth of March, 1812, was referred to a select committee; and Mr. Hempstead, Mr. Grundy, and Mr. Johnson, were appointed the committee.

Mr. Gholson, from the Committee of Claims, made a report on the petition of Rebecca Hodgson; which was referred to a Committee of the Whole to-morrow.

On motion of Mr. Rhea, a committee was appointed to inquire into the expediency of extending the laws of the United States over those parts of States and Territories of the United States to which the Indian title is not extinguished, in such manner that all white persons residing within any of the said parts of States or Territories of the United States, may and shall be liable to the operation of the said laws; with leave to report by bill or otherwise; and Mr. Rhea, Mr. Milnor, Mr. Robertson, Mr. Wilson, and Mr. New, were appointed the committee.

On motion of Mr. Nelson, a committee was appointed to inquire into the propriety of assigning to the officers, soldiers, and marines, of the Virginia State line, in the Revolutionary war, out of the public lands of the United States, such bounties in land as they or their representatives may be entitled to receive under any engagement made by that State, which have not yet been fulfilled through a deficiency in the land fund appropriated to that object; with leave to report by bill, or otherwise; and Mr. Nelson, Mr. McKee, Mr. Breckenridge, and Mr. Gold, were appointed the committee.

An engrossed bill concerning certain claims in the district of Vincennes was read the third time, and passed.

The bill from the Senate "for the relief of the Bible Society of Philadelphia" was read twice, and committed to the Committee of the Whole on the bill of this House with the same title.

The Speaker laid before the House a letter from the Commissioner of the General Land Office, transmitting a report of the Commissioners appointed in virtue of the act of the twenty-sixth

of June, one thousand eight hundred and twelve, entitled "An act to ascertain the Western boundary of the tract reserved for satisfying the military bounties allowed to the officers and soldiers of the Virginia line on Continental establishment;" which were read and referred to the Committee on the Public Lands.

PRIVATEER PENSIONS.

The House then resolved itself into a Committee of the Whole, on the bill regulating pensions to persons on board private armed ships.

[This bill directs that the two per cent. reserved in the hands of consuls and collectors, in pursuance of the act of June last, respecting private armed vessels, &c., be paid into the Treasury, to constitute a fund for pensions to persons disabled on board private armed vessels, of the mode and degree of which disability the log book of each vessel is to be evidence.]

Mr. BURWELL moved to strike out the vital section of the bill, with a view to try the principle. In support of the motion, he remarked that he conceived it improper to adopt a principle so extremely liable to abuse as this, especially when pensions had been refused to at least equally meritorious sufferers during the Revolution. The evidence which the log book of a vessel would afford, would be so very liable to error, and so indefinite, as not to be entitled to that conclusive weight given to it by the bill. The proper course, he conceived, would be, to leave the subject open to the annual disposition of Congress; which was now the case with certain other pensions.

Mr. BASSETT stated, in reply, that, at the last session, two per cent. having been reserved from the wages of the seamen on board private armed vessels, for the avowed and declared purpose of constituting a fund for pensions to the wounded, this bill now merely indicated the mode of carrying this provision into effect. The money had been reserved by the collectors and consuls, and as it was never the intention of Congress to make them a present of it, it remained for Congress to direct the mode of its distribution. If the principle was incorrect, it ought to have been objected to when the pledge was given by the House last session on this subject.

The question on striking out the section was negatived, by a very small majority; and the Committee rose and reported the bill.

Mr. STOW made a motion going to confine the pensions allowed by the bill to such as should be disabled in actual service, and spoke in support of his motion.

Mr. MCKIM opposed the motion. The services rendered by the privateers were valuable to the country and ought to be encouraged. The duties on prize goods, he said, brought into the port of Baltimore alone, had amounted to three hundred and fifty-four thousand dollars. This showed the importance of this system in a pecuniary point of view.

Mr. STOW questioned the benefit rendered to the public interest by privateering, and said he was in favor of letting this fund accumulate, and first see whether there was sufficient to pension those having received known wounds in action, before they agreed to extend it to all casualties on board private armed vessels.

Mr. LITTLE asserted the utility of privateers and their efficiency as a means of annoying the enemy. He bore testimony to the bravery they had displayed in all conflicts with the enemy, and to the injuries they had inflicted on his commerce. The enterprising individuals concerned in it ought to be encouraged; for, by the impediments to the prosecution of their enterprise, many had been already discouraged and had dismantled their vessels. If properly encouraged, they would scour every sea, however distant, and ransack every port and harbor in search of the enemy. He was in favor of exhibiting the most liberal disposition towards them.

Considerable further debate took place on the amendment, which was at last agreed to, by a very small majority.

Mr. RHEA subsequently moved to recommit the bill to the same committee which reported it, for the purpose of amendment; and the bill was recommitted.

IMPORTATIONS FROM INDIA.

The House resolved itself into a Committee of the Whole on the bill from the Senate authorizing the admission, under certain circumstances, of vessels owned by citizens of the United States of America, with their cargoes, from British ports beyond the Cape of Good Hope," and on the amendments reported by the Committee of Ways and Means to the said bill; and, after some time spent therein, the Committee rose and reported their agreement to the amendments, which were concurred in by the House.

A motion was made by Mr. ROBERTS further to amend the said bill by adding to the end thereof the following proviso:

"*And provided further*, That in case any part of the aforesaid goods, wares, or merchandise, shall be exported out of the United States, no drawback shall be allowed on such exportation."

And the question being taken, it was determined in the negative—yeas 48, nays 55, as follows:

YEAS—Willis Alston, jr., William Anderson, William Barnett, Burwell Bassett, William W. Bibb, William Blackledge, Robert Brown, William A. Burwell, Wm. Butler, James Cochran, John Clopton, Lewis Condict, William Crawford, Roger Davis, John Dawson, Jos. Desha, Samuel Dinsmoor, Elias Earle, William Findley, James Fisk, Meshack Franklin, Peterson Goodwyn, Felix Grundy, Bolling Hall, Obed Hall, John A. Harper, Aylett Hawes, Jacob Hufty, Richard M. Johnson, Abner Lacock, Aaron Lyle, Thomas Moore, William McCoy, Jeremiah Morrow, Israel Pickens, William Piper, Benjamin Pond, John Rhea, Jonathan Roberts, Ebenezer Sage, Lemuel Sawyer, Adam Seybert, Samuel Shaw, George Smith, John Smith, William Strong, G. M. Troup, and Robert Whitehill.

NAYS—Stevenson Archer, Ezekiel Bacon, John Baker, Abijah Bigelow, James Breckenridge, Elijah Brigham, John C. Calhoun, Francis Carr, Langdon Cheves, Thomas B. Cooke, Richard Cutts, John Da-

venport, jr., William Ely, James Emott, Asa Fitch, Thomas Gholson, Thomas R. Gold, Charles Goldsborough, Edwin Gray, Isaiah L. Green, Richard Jackson, jun., Joseph Kent, Lyman Law, Joseph Lewis, jun., Peter Little, William Lowndes, Archibald McBryde, Samuel McKee, Alexander McKim, Arunah Metcalf, James Milnor, Samuel L. Mitchill, Hugh Nelson, T. Pitkin, jun., James Pleasants, jun., Elisha R. Potter, Josiah Quincy, William Reed, William M. Richardson, Henry M. Ridgely, Thomas B. Robertson, Wm. Rodman, Daniel Sheffey, Philip Stuart, Silas Stow, Lewis B. Sturges, Samuel Taggart, John Taliaferro, Benjamin Tallmadge, Peleg Tallman, Uri Tracy, Charles Turner, jr., Laban Wheaton, Leonard White, and Thomas Wilson.

Ordered, That the amendments agreed to be engrossed, and the bill read the third time tomorrow.

WEDNESDAY, January 20.

The engrossed bill, giving the right of preemption in the purchase of public lands to certain settlers in the Illinois Territory, was read a third time, and passed.

Mr. NEWTON, from the Committee of Commerce and Manufactures, reported a bill for the relief of Samuel Ellis; which was read twice, and committed to a Committee of the Whole on Friday next.

Mr. LEWIS, from the Committee for the District of Columbia, presented a bill to incorporate a company for making a certain turnpike road in the county of Alexandria; which was read twice, and committed to a Committee of the Whole on Friday next.

The bill from the Senate "authorizing the admission in the ports of the United States, of vessels owned by citizens of the United States of America, with their cargoes, from British ports beyond the Cape of Good Hope," was read the third time as amended, and passed.

ASTRONOMICAL OBSERVATORY.

Mr. MITCHILL, from the committee to whom was referred the memorial of William Lambert, and the report thereon made by the Secretary of State at the last session, presented a bill authorizing the establishment of an Astronomical Observatory; which was read twice, and committed to a Committee of the Whole on Friday next.

The report is as follows:

On the 27th December, 1809, Mr. Lambert addressed the House of Representatives upon the expediency of establishing a first meridian for the United States at their permanent seat of Government. This was ordered for consideration to a select number of gentlemen, who, on the 28th March, eighteen hundred and ten, laid upon the table an able and learned opinion, accompanied with scientific calculations illustrative of the object. They concluded their investigation by recommending that provision should be made, by law, for determining, with the greatest accuracy, the distance between the City of Washington and Greenwich in England, and that the proper instruments should be procured.

Afterwards, on the 23d January, 1811, the memorial was referred to a select committee; and, on the 23d of the ensuing February, that committee was discharged, and the memorial referred to the Secretary of State for his consideration.

Conformably to the desire of the House, that officer wrote to the Speaker a letter which, after having been read, on the third day of July, 1812, was ordered to lie on the table. That letter was, on the 8th December last, ordered to the present committee, who have diligently weighed the matters which it contains.

It is their opinion that astronomical observations are highly useful to a navigating and commercial people, already eminent for their progress in science and the arts, and who are laboring for the completion of their national dignity and splendor.

The most ready method of obtaining the information to be derived from noting the phenomena of the heavens, is by the establishment of an observatory. This may be erected at the City of Washington. By such an institution, means may be adopted not only to fix the first meridian, but to ascertain a great number of other astronomical facts and occurrences through the vigilance of a complete astronomer.

YAZOO CLAIMS.

The bill from the Senate to carry into effect the report of James Madison, then Secretary of State, Albert Gallatin, Secretary of the Treasury, and Levi Lincoln, Attorney General of the United States, Commissioners, &c., in the year 1803, recommending an equitable compromise with the Yazoo claimants, was read a first time.

Mr. POINDEXTER moved a second reading and commitment of the bill.

Mr. TROUP having asked if a motion to reject the bill would not supersede a motion to commit, and being answered by the SPEAKER in the affirmative, said: It is on no ordinary occasion, sir, I would permit myself to move the rejection of a bill on the first reading, coming from another branch of the Legislature, but the measure growing out of an hideous corruption, I owe it to you to move, because I think you owe it to your own dignity to reject the bill, not upon any dubious evidence of the fraud and corruption of the Georgia Legislature, but upon evidence satisfactory to you and to all mankind, spread upon your own records by commissioners of your own appointment, and which the Clerk can be called upon to read. The nature, the extent, the detail of the corruption by which the Legislature of Georgia were induced to sell the public property, are there portrayed by your own commissioners. It is stated that more than two-thirds of the Legislature were bribed and corrupted, were interested in and parties to the purchase. They show you that A received 112,000 acres of land for his vote; that B received 75,000 acres for his vote; that C received 56,000 acres for his vote, and that none received less than 56,000 acres. It is upon this record evidence then that I move you to reject the bill. You rejected the bill from the Senate on the first reading for the suspension of the *habeas corpus* act. Why? Because the bill contained a principle violative of civil liberty. I move you to reject this bill! Why? Because it contains a principle destructive of republican government. The purity and incorruptibility of the represent-

ative character is the basis of our republican institutions—if there be one principle of our Government more fundamental than another, it is that no benefit, or profit, or advantage shall result either immediately or remotely to any human being from the corruption of the Representatives of the people. The bill proposes to give five millions of dollars to those claiming under the corruptors of Representatives of the people. The corruptors only gave five hundred thousand dollars—the United States only gave twelve hundred and fifty thousand dollars to Georgia for her territory. The bill proposes to give five millions of dollars to the claimants—five millions of dollars to extinguish their claim. You are required to reward the claimants who bought of those who corrupted the Legislature of Georgia. We say, no! Let ruin overtake the corruptors of the Representatives of the people and all claiming under them. The corruptors have made their fortunes, now you are called upon to make the fortunes of the claimants; this is to be precedent, this is to be example.

The claimants have hitherto urged their claim with indefatigable perseverance, they have teased and wearied you; you have constantly repelled them; they have seen their discomfiture in the justness and simplicity of your reasoning. You say to them in substance, the Yazoo act having been fraudulently and corruptly obtained, was null and void, *ab initio*. All contracts founded in fraud are void. It could pass no right; if it could pass no right to the original purchasers, it is impossible that the original purchasers could pass any right to the claimants: and if no right passed to the claimants, it is impossible they can have a claim or shadow of claim against you. They constantly found themselves foiled by this honesty and simplicity of reasoning. Seeing you firm and inflexible, they turned about and addressed themselves to the Judiciary. They found in the law books of England a maxim which suited them; two of the speculators combined and made up a fictitious case, a feigned issue for the decision of the Supreme Court. They presented precisely those points for the decision of the Court which they wished the Court to decide, and the Court did actually decide them as the speculators themselves would have decided them if they had been in the place of the Supreme Court. The first point was, whether the Legislsture of Georgia had the *power* to sell the territory? Yes, said the Judges, they had. 2nd. Whether by the Yazoo act an estate did vest in the original grantees? Yes, said the Judges, it did. 3d. Whether it was competent to any subsequent Legislature to set aside the act on the ground of fraud and corruption? No, said the Judges, it was not; an estate did vest in the grantees by the Yazoo act, which could not be divested by the act of any subsequent Legislature. No matter, say the Judges, what the nature or extent of the corruption, be it ever so wicked, be it ever so nefarious, it could not be set aside. The speculators had hunted up a maxim of the common law or equity courts of England, and the Judges wielded it for their benefit and to the ruin of the country—the maxim that third purchasers without notice shall not be affected by the fraud of the original parties. Thus, sir, by a maxim of English law are the rights and liberties of the people of this country to be corruptly bartered by their Representatives. It is this decision of the Judges which has been made the basis of the bill on your table—a decision shocking to every free Government, sapping the foundations of all your constitutions, and annihilating at a breath the best hope of man. Yes, sir, it is proclaimed by the Judges, and is now to be sanctioned by the Legislature, that the Representatives of the people may corruptly betray the people, may corruptly barter their rights and those of their posterity, and the people are wholly without any kind of remedy whatsoever. It is this monstrous and abhorrent doctrine which must startle every man in the nation, that you ought promptly to discountenance and condemn. It is this doctrine, the basis and essential principle of the bill, that we call upon you to reject. Suppose, sir, the Legislature of Georgia, instead of selling the public territory, had corruptly sold the good people of Georgia and all their posterity into slavery, the consequences would have been the same, the judges would have decreed that an estate did vest in the original grantee, notwithstanding the corruption, which could not be divested by any subsequent Legislature. But, sir, let me state to you a case, exposing at once the flagrant enormity of the principle; it is a case as perfectly parallel as the human mind can conceive. Suppose, sir, that the twelfth Congress should corruptly sell the good people of the United States to England, and England should instantly sell to France—France would come upon the thirteenth Congress and demand possession: the virtuous thirteenth Congress would say, No! we will not give you possession; the twelfth Congress was bribed and corrupted to sell the good people of the United States; fraud vitiates every grant, and therefore you can have no right to demand possession. Ah! but, says France, I am an innocent purchaser, I purchased without knowledge of the fraud; and it is a maxim of the common law of England, that third purchasers are not to be affected by the fraud of the original parties. Thus, sir, according to the judges, would the good people of the United States be sold like a flock of sheep by the corruption of their Representatives, leaving them, the people, without any kind of remedy whatsoever.

If, Mr. Speaker, the arch-fiend had in the bitterness of his hatred to mankind resolved the destruction of republican government on earth, he would have issued a decree like that of the judges; he would have said, in the spirit and language of this bill, let the claimants under the corruptors of the Representatives of the people be rewarded. In a nation of enlightened men, whose governments have their origin in and exist only by the will of the people, that will is contemned and held for nothing. Why, it may be asked, do the judges who passed this decision live and live unpunished? The answer is found in the mildness and moderation of our Government. I thank God it is so. If under a despotism the *throne* of

the monarch had been thus assailed, the judges would have perished. Here the foundations of the Republic are shaken and the judges sleep in tranquillity at home. Take my word for it, Mr. Speaker—I beseech you to remember what I say—no party in this country, however deeply seated in power, can long survive the adoption of this measure. I remember a gentleman once a member of this House; he had his seat on the opposite side of it; he was a man of the most vigorous intellect I ever knew; he had deeply studied human nature; to be sure his conduct was not always regulated by his knowledge of it; he was often imprudent and not unfrequently extravagant. Whenever this question was turned up, however, he used to address his political friends, "Gentlemen, I beseech you to withhold your countenance from this measure. It is founded in corruption, the people know it; they are not yet ripe for the supply of men who will support such measures. If you want to mount into power, if you wish to conciliate the affection of this people, you must assume a virtue if you have it not."

Mr. T. said he wished it understood, that in moving the rejection of the bill, it was not his design to enter all into the merits of the Yazoo claim.

The few observations he had submitted were directed to the principle contained in the bill. If, however, the House should in its discretion determine to sustain that principle, and to enter into the merits of the question at large, he should, notwithstanding it had been so often discussed and was so well understood by every man in the nation, have no objection to meet it. He would then undertake to show to the House, 1st. That the Legislature of Georgia had no Constitutional power to sell the public domain. 2nd, That if it had, it could not sell fraudulently and corruptly. 3d. That these claimants had notice of the fraud, and, having notice, are, according to the maxim of the judges themselves, without claim or shadow of claim.

Mr. Wright spoke against the rejection, and in favor of a settlement of these claims, and explained the reasons why he, who had before opposed a compromise, was now opposed to a rejection of the bill.

Mr. Seybert said he could not vote for the motion of the gentleman from Georgia to reject the bill. The remarks of the gentlemen from Georgia and of Maryland led him to view the main question as one of great moment. They stated many difficulties connected with it. He wanted time to investigate the subject. The opinions of men differed on it. The supreme judiciary of the United States decided in favor of the principle. The Senate had sent us the bill, which was passed by a considerable majority. A respect was due from him to the decisions of the Judiciary and the Senate. He must allow the bill to take the ordinary course, without regard to his ultimate decision.

Mr. King stated the difficult nature of this question, and his wish to obtain time to investigate it. He, therefore, moved to postpone the further consideration of the subject to Monday.

Messrs. Archer, Widgery, Goldsborough, and Mitchill, supported the postponement on the same grounds as those on which it was proposed by Mr. King.

Mr. Nelson opposed the motion, because he was anxious, without hesitation, to reject the bill.

Messrs. Boyd and Poindexter opposed the rejection, on the merits of the bill.

Mr. Troup said a few words in reply to Mr. Poindexter, and the question on the rejection of the bill was then taken and decided—For rejection 55, against it 59, as follows:

Yeas—Willis Alston, jr., William Anderson, David Bard, William Barnett, Burwell Bassett, William W. Bibb, William Blackledge, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, James Cochran, John Clopton, Lewis Condict, Wm. Crawford, Roger Davis, Joseph Desha, Elias Earle, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Edwin Gray, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, Aylett Hawes, John M. Hyneman, William R. King, Abner Lacock, Peter Little, Aaron Lyle, Nathaniel Macon, Thomas Moore, William McCoy, Hugh Nelson, Anthony New, Thos. Newton, Stephen Ormsby, William Piper, James Pleasants, jun., Samuel Ringgold, Thomas B. Robertson, Jonathan Roberts, Ebenezer Sage, Thomas Sammons, Lemuel Sawyer, George Smith, John Smith, John Taliaferro, George M. Troup, Robert Whitehill, David R. Williams, Thomas Wilson, and Richard Winn.

Nays—Stevenson Archer, Ezekiel Bacon, Abijah Bigelow, Harmanus Bleecker, Adam Boyd, James Breckenridge, Elijah Brigham, Francis Carr, Epaphroditus Champion, Langdon Cheves, Martin Chittenden, Thomas B. Cooke, Richard Cutts, John Davenport, jun., Samuel Dinsmoor, William Ely, James Emott, William Findley, James Fisk, Asa Fitch, Thos. R. Gold, Charles Goldsborough, John A. Harper, Jacob Hufty, Richard Jackson, jr., Joseph Kent, Philip B. Key, Lyman Law, Joseph Lewis, junior, William Lowndes, Archibald McBryde, Alexander McKim, Arunah Metcalf, James Milnor, Samuel L. Mitchill, Jeremiah Morrow, Jonathan O. Moseley, Joseph Pearson, Israel Pickens, Timothy Pitkin, jun., Benjamin Pond, Elisha R. Potter, William Reed, William M. Richardson, Henry M. Ridgely, William Rodman, Adam Seybert, Samuel Shaw, Philip Stuart, Silas Stow, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Peleg Tallman, Uri Tracy, Laban Wheaton, Leonard White, William Widgery, and Robert Wright.

So the bill was not rejected.

Mr. Poindexter then moved a reference of the bill to a select committee, with a view to the examination of its details, and to propose amendments, which it appeared to him the bill required.

A motion was made to refer the bill to the Committee on Public Lands.

Mr. Tallmadge moved to refer the bill to a Committee of the Whole.

After some discussion on these motions, it was decided to refer the bill to the Committee on Public Lands.

A Message was received from the President of

the United States, which the SPEAKER declared to be of a confidential nature. And the House was accordingly cleared of all strangers, and so remained till four o'clock, when it adjourned.

THURSDAY, January 21.

The House met with closed doors; and, after being opened, another member, to wit: from New York, PETER B. PORTER, appeared, and took his seat.

Mr. LEWIS, from the Committee for the District of Columbia, presented a bill to incorporate an insurance company in Georgetown, in the District of Columbia; which was read twice, and committed to the Committee of the Whole on the bill to incorporate the Columbian Insurance Company, in Alexandria, in the District of Columbia.

On motion of Mr. CHEVES, the Committee of Ways and Means were discharged from the consideration of the resolution referred to them on the 13th instant, and the said resolution was referred to the Committee of Claims.

Mr. BASSETT, from the managers appointed to attend on the part of this House, at the conference with the managers on the part of the Senate, upon the subject-matter of the disagreeing votes upon the amendments of the Senate to the bill "in addition to the act concerning letters of marque, prizes, and prize goods," reported that they had attended at the said conference, and could come to no agreement with the managers on the part of the Senate upon the said amendments.

The House proceeded to consider the said report; when a motion was made by Mr. BASSETT that the House do insist on their disagreement to the said amendments; and the question being taken, it was determined in the negative—yeas 44, nays 45.

On motion of Mr. MCKIM the House receded from its said disagreement:

On motion of Mr. RHEA, the Committee on the Post Office and Post Roads were instructed to inquire what amendments, if any, are necessary to be made to the law providing for the safety and transportation of the mail of the United States, with leave to report by bill or otherwise.

On motion of Mr. REED, the Committee of Ways and Means were instructed to inquire into the expediency of admitting to entry, and remitting the penalties of the non-importation act in favor of all *bona fide* American vessels and cargoes that shall have cleared from enemies' ports beyond the Cape of Good Hope, previous to a knowledge of the declaration of war at those ports or places.

The bill for the relief of John Dickson and John Murray, went through a Committee of the Whole, and was ordered to be engrossed for a third reading.

CAPTURED PROPERTY.

The House resolved itself into a Committee of the Whole, on the report of the Committee of Ways and Means on the petition of Joshua Barney and Stephen Kingston, on behalf of certain owners of private armed vessels, praying that certain property on board American ships bound here from England, sent in by privateers, shall be delivered to the captors for their benefit. The report is as follows:

"The Committee of Ways and Means, to whom were referred the petitions of Joshua Barney and Stephen Kingston, report: That Congress has not manifested an intention to interfere, and it seems, beyond doubt, will not interfere in such manner as to affect the rights of the petitioners which they can judicially establish—that Congress has already remitted the penalties and forfeitures, incurred by American citizens, and that, in the opinion of the committee, if enemy's property be forfeited to the Government, under the non-importation act, it would, for reasons of policy, be unwise for Congress to interpose; that if the petitioners can claim as 'informers,' the claim is already secured to them by existing laws, or the claim is vested in the collectors and others, from whom Congress could not, with justice, transfer it. The committee therefore submit the following resolve:

"*Resolved*, That it would be unwise and impolitic to act upon the subject of the said petitions."

Mr. CHEVES stated at large the reasons on which the Committee of Ways and Means had grounded their report.

Mr. ROBERTS spoke in opposition to the report, believing it would be neither unwise or improper to grant their prayer. He read a resolution, which he should wish to offer, should the report be rejected, the object of which was, that the right of the United States, or of other persons to all British property on board American vessels sent into port by American privateers, so far as said claim arises from forfeiture under the non-importation act, shall be relinquished for the benefit of the captors.

Mr. BIBB declared himself in favor of the report of the committee, because he had no doubt the courts would decide in favor of the petitioners; and it would not be necessary for the House to legislate on it, the right having accrued on the instant of the capture of such property.

Mr. CLAY (Speaker) thought with Mr. BIBB that the right had vested in the captors; but it appeared that the Secretary of the Treasury, for the Government, had interposed a claim to it. Mr. C. then said he was opposed to the report of the Committee of Ways and Means, because he was willing to place the question out of doubt as to the property, to which the captors had in his view a just title.

Some further conversation took place on the subject, when the Committee rose without having come to any decision, reported progress, and obtained leave to sit again.

FRIDAY, January 22.

Mr. BURWELL presented a petition of sundry inhabitants of the City of Washington, praying for a charter of incorporation for a new bank, to be established in the City of Washington; which was read, and ordered to be referred to a select committee; and Mr. BURWELL, Mr. CALHOUN,

Mr. Blackledge, Mr. Findley, Mr. Stow, Mr. McKee, Mr. Barnett, Mr. Moseley, and Mr. Chittenden, were appointed the committee.

On motion of Mr. Blackledge,

Resolved, That the Secretary of the Treasury be directed to lay before this House a statement of the sums paid annually on account of the public debt of the United States, from the commencement of the present Government, until the 30th of September last; and, also, the sums paid annually within the same period, on account of the Revolutionary Government; distinguishing, in relation to the public debt, the sums paid for interest, principal, and charges, respectively.

The Speaker laid before the House a book upon military discipline, transmitted to him by William Duane; which was referred to the Committee on Military Affairs.

An engrossed bill for the relief of John Dixon and John Murray was read the third time, and passed.

CAPTURED PROPERTY.

The House again resolved itself into a Committee of the Whole on the report of the Committee of Ways and Means on the petitions of Joshua Barney and of Stephen Kingston.

The resolution, reported by the Committee of Ways and Means, "that it is inexpedient to legislate upon the subject of the petitions," was disagreed to; and the following was reported to the House as a substitute thereto:

"*Resolved*, That any right or claim of the United States to British property which may have been captured by American privateers, arising from forfeiture under any provision of the non-importation acts, ought to be relinquished for the benefit of the captors.

The question on the original resolution was also disagreed to by a vote of the House. For disagreeing 61, against it 47, as follows:

Yeas—Willis Alston, jr., William Anderson, Stevenson Archer, Ezekiel Bacon, David Bard, Burwell Bassett, William Blackledge, Robert Brown, William A. Burwell, William Butler, James Cochran, John Clopton, Lewis Condict, William Crawford, Richard Cutts, Roger Davis, Samuel Dinsmoor, Elias Earle, William Findley, Meshack Franklin, Peterson Goodwyn, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, John A. Harper, John M. Hyneman, Jos. Kent, Philip B. Key, Abner Lacock, Aaron Lyle, Nathaniel Macon, William McCoy, Alexander McKim, Arunah Metcalf, Samuel L. Mitchill, James Morgan, Hugh Nelson, Thomas Newton, Stephen Ormsby, Israel Pickens, William Piper, Benjamin Pond, Peter B. Porter, Thomas B. Robertson, John Rhea, Jonathan Roberts, Ebenezer Sage, Lemuel Sawyer, Ebenezer Seaver, Samuel Shaw, George Smith, John Smith, John Taliaferro, George M. Troup, Robert Whitehill, David R. Williams, William Widgery, Thomas Wilson, Richard Winn, and Robert Wright.

Nays—John Baker, William W. Bibb, Abijah Bigelow, Harmanus Bleecker, Adam Boyd, James Breckenridge, Elijah Brigham, John C. Calhoun, Epaphroditus Champion, Langdon Cheves, Martin Chittenden, Thomas B. Cooke, John Davenport, jr., William Ely, James Emott, James Fisk, Asa Fitch, Thomas Gholson, Thomas R. Gold, Charles Goldsborough, Edwin Gray, Aylett Hawes, Jacob Hufty, Richard Jackson, jr., William Lowndes, Archibald McBryde, Samuel McKee, James, Milnor, Jonathan O. Moseley, Thomas Newbold, Joseph Pearson, Timothy Pitkin, jr., James Pleasants, jun., Elisha R. Potter, Josiah Quincy, William Reed, William M. Richardson, William Rodman, Thomas Sammons, Philip Stuart, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Peleg Tallman, Uri Tracy, Laban Wheaton, and Leonard White.

And the resolution proposed in Committee of the Whole as a substitute, was, as stated above, agreed to; and was referred to the Committee of Ways and Means to bring in a bill in pursuance thereof.

IMPRESSED SEAMEN.

The following Message was received from the President of the United States:

To the Senate and House of Representatives of the United States:

I transmit, for the information of Congress, copies of a correspondence between John Mitchell, Agent for American Prisoners of War at Halifax, and the British Admiral commanding at that station.

I transmit for the like purposes copies of a letter from Commodore Rodgers to the Secretary of the Navy.

JAMES MADISON.

January 22, 1813.

Extract of a letter from John Mitchell, Esq., Agent for American Prisoners of War at Halifax, to the Secretary of State, dated

"December 5, 1812.

"I cover you a copy of a correspondence, which took place in consequence of different applications I received, either by letter or personally, from persons detained on board His Britannic Majesty's ships of war in this place.

"I formerly mentioned to you that the Admiral had assured me that he would discharge all the citizens of the United States who were in the fleet, and actually did discharge several. This induced me to think I should be correct, and in the perfect line of my duty, in sending him a list of the applicants to me, and requesting an inquiry to be made, and discharges granted to all who were citizens of the United States; I, therefore, covered him a list of the names now enclosed to you, which produced his letter to me of the same date (December 1, 1812.)

"I read it with surprise, because some of the men had informed me their captains had refused to report them to the Admiral. Now, if no one here was, or is, allowed to do it, their situation is hopeless.

"It is not my place, sir, to reason with you on this business. *Proof of nativity*, in his first letter, is a strong expression; and how few are in possession of it, and how many who cannot obtain it.

"The second paragraph, in the second letter, prevents my interfering; and I have since been obliged to send a man away, requesting him to apply to his commanding officer."

Copy of a letter from John Mitchell, Esq., Agent for American Prisoners of War at Halifax, to Sir John Borlase Warren, dated

December 1, 1812.

Sir: Since the sailing of the last cartels, in which you were pleased to send home several Americans, who had been in His Britannic Majesty's service,

others who are now on board of the Centurion and Statira have requested of me to procure their discharge, and to be sent home.

Will you, sir, have the goodness to direct an inquiry, and order the release of such as are citizens of the United States?

Besides the enclosed list, I am told there are others whose names I have not.

I have the honor to be, &c.,

JOHN MITCHELL, *Agent.*

Copy of a letter from Admiral Sir John Borlase Warren, to John Mitchell, Esq, Agent for American Prisoners of War at Halifax, dated

DECEMBER 1, 1812.

SIR: I have the honor to acknowledge the receipt of your letter of this date, respecting some men, therein mentioned, on board His Majesty's ships under my command, said to be citizens of the United States, and in reply, beg to acquaint you, that whenever I have received representations from the captains of His Majesty's ships of any part of their crews being citizens of America, with sufficient proof of their nativity, I have directed their discharge from the service.

I must observe to you that I cannot permit the interference of any applications from men belonging to His Majesty's ships, but through their commanding officers: and in your department, of prisoners of war only, I shall at all times be most happy to receive your communications.

I have the honor to be, &c.

JOHN B. WARREN.

Copy of a letter from John Mitchell, Esq., Agent for American Prisoners of War at Halifax, to Admiral Sir John Borlase Warren, dated

DECEMBER 3, 1812.

SIR: I had yesterday the honor to receive your letter, dated the 1st instant, in which you observe that you cannot permit the interference of any application from men on board of His Britannic Majesty's ships of war, but through their commanding officers.

Desirous of conforming as far as possible to established regulations, permit me the honor to inquire of your Excellency, if by your letter I am to understand that I am not to receive the applications of seamen declaring themselves citizens of the United States, who are on board of His Majesty's ships of war, and communicate the same to you? If this is the meaning, I shall most certainly conform, though I must lament the regulation.

I have the honor to be, &c.

J. MITCHELL, *Agent, &c.*

Copy of a letter from Admiral Sir John Borlase Warren, to John Mitchell, Esq., Agent for American Prisoners of War at Halifax, dated

DECEMBER 4, 1812.

SIR: In reply to your letter, dated yesterday, I have to acquaint you that whenever any address is made relative to men on board His Majesty's ships, it must be by the commanders of such vessels direct.

I cannot permit any application by other persons in time of war, but in the above mode.

It will always afford me pleasure to attend to your wishes in any respect relative to the situation or exchange of prisoners, or to afford any aid or relief in my power. I have the honor to be, &c.

JOHN B. WARREN.

From Commodore Rodgers to the Secretary of the Navy.

U. S. FRIGATE PRESIDENT,
BOSTON, *Jan.* 14, 1813.

SIR: Herewith you will receive two muster books, of His Britannic Majesty's vessels Moselle and Sappho, found on board the British packet Swallow.

As the British have always denied that they detained on board their ships of war American citizens, knowing them to be such, I send you the enclosed, as a public document of their own, to prove how illy such an assertion accords with their practice.

It will appear by these two muster books that so late as August last, about an eighth part of the Moselle and Sappho's crews were Americans; consequently, if there is only a quarter part of that proportion on board their other vessels, that they have an infinitely greater number of Americans in their service than any American has yet had an idea of.

Any further comment of mine on this subject, I consider unnecessary; as the enclosed documents speak but too plainly for themselves. I have the honor to be, &c. JOHN RODGERS.

Hon. PAUL HAMILTON, *Secretary of the Navy.*

The Message and documents were read, and referred to the Committee of Foreign Relations.

SATURDAY, January 23.

Mr. POINDEXTER presented a petition of the Legislature of the Mississippi Territory, praying for a grant of a certain quantity of muskets, pistols, and swords, for the defence of said Territory.—Referred to the Secretary of War.

Mr. BASSETT, from the Committee on the Naval Establishment, reported amendments to the bill regulating pensions to persons on board private armed ships; which were read, and, together with the bill, committed to the Committee of the Whole on the bill relating to captures.

Mr. BASSETT, from the same committee, presented a bill providing compensation to the officers and crew of the Constitution, for capturing and destroying the British frigate Guerriere; which was read twice and committed to a Committee of the Whole on Monday next.

Mr. WILLIAMS, from the Committee on Military Affairs, reported amendments to the bill from the Senate "supplementary to the act, entitled 'An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act heretofore passed for that purpose;" which was read, and concurred in by the House; and the amendments ordered to be engrossed, and the bill read the third time to-day.

Mr. NELSON from the select committee on the subject, made a report in favor of the allowance of certain lands to the officers and soldiers of the line in the Revolutionary war on State establishment; which was read and committed.

NAVAL ESTABLISHMENT.

Mr. MILNOR rose in his place, and said:—Mr. Speaker, I rise to submit a resolution for the consideration of the House. It will be recollected, that, in the observations which I had the honor to

submit to the House, when the bill for increasing the Navy was under consideration, I suggested, by way of answer to the gentleman opposed to that measure, on the score of the want of adequate means, that I felt confident there was no want of the most abundant means; that the moneyed and mercantile classes of the community, I had no doubt, would be found ready to advance the proper supplies to the Government, by way of loan, provided the opportunity of doing so were presented to them in an unexceptionable shape. The expedient to which I had reference, was a navy loan—a loan for the whole amount necessary for building and equipping the ships-of-the-line and frigates authorized by the bill alluded to, and, I am willing to add, any further increase of that most desirable species of force which the wisdom of Congress may direct.

The proposition which I will have the honor of submitting, is calculated to facilitate the views of the Government in relation to this branch of their official duty, by presenting this interesting subject divested of any of those objectionable features that will be seen by many in the proposition of a general loan for all the varied purposes of the war in which we are engaged. To many of our fellow-citizens—to many of us in this House—this war appeared to be unnecessary and improvident in its commencement, as it has been, except upon the ocean, disastrous and discreditable to us in its conduct. Our operations against Canada have falsified, in their circumstances and result, every fond prediction of the friends of invasion; and, whatever of popularity the events of the war have acquired, the meed of gratitude for them is due, under Providence, to the glorious efforts of our gallant little Navy. The service rendered to the country by the destruction or capture of a few vessels of the enemy, is, to be sure, of little consequence, in a pecuniary view, but its effects in laying the foundation of our naval reputation; of turning the tide of national opinion in favor of this long-abused and neglected Establishment; in inspiring hopes of a permanent and efficient system of maritime defence; are important, beyond the power of calculation. For myself, and because I desire that the Government may meet with no difficulty in procuring the requisite pecuniary means, of completing with the least possible delay the additional ships recently directed to be built—to which end I wish to invite the friends of a permanent Navy Establishment to contribute by loans to the furthering of the object, and by way of inducement, to present to them our proposition free from any well grounded objection. The commercial men, the capitalists of our principal cities, have been, generally speaking, the uniform friends of maritime defence. They have importunately called for an enlargement of our Navy. I trust that, whatever may be their opinions of the expediency of this war, their liberality in affording money enough to defray the expense to be incurred in consequence of our recent endeavors to meet their wishes, will be found equal to our most sanguine expectations. But I wish this appeal to rest upon its own merits, and not to be weakened or destroyed by blending it with objects as to which, however the majority of this House may regret it, they never can prevent a diversity of sentiment amongst the people. I mean not to meddle, either by assertion or argument, at this time, with the essential merits of this war, nor with the distinction given to its operations against the territories of our neighbors; not because I am desirous of concealing my personal sentiments on these points, which are well known, but because I wish not to revive a discussion to which such ample justice was done during my recent absence from my seat in this House. I wish, sir, especially, to redeem my pledge to the House in relation to a navy loan, and to afford an opportunity to the Administration to obtain easily and speedily its amount. The war is thought by some gentlemen to be popular; so they deem their projects of invasion. Let the numerous friends of such expedients for the maintenance of maritime rights, evince their patriotism by prompt subscriptions to your Army loans. Let the friends of naval defence, against foreign aggression, evince theirs by equal promptitude in filling up a Navy loan. With such views, I submit the following resolution:

Resolved, That the Committee of Ways and Means be instructed to report a bill authorizing a loan of —— dollars, for the building and equipment of all such ships and vessels of war, as have been, or may be directed to be built by any law of the present session.

Mr. Cheves opposed the resolution. He could not see any good to arise out of it, but much embarrassment, and consequently public evil. It was remarkable it should be brought forward at the very moment that the bill authorizing a general loan, which would embrace the object proposed by the gentleman, was to be called up. It would be evident, that should the resolution be referred to the Committee of Ways and Means, they must either neglect it, or that plan which, after the most mature reflection, was now prepared and ready to be submitted to the consideration of the House. If the gentleman wished merely to aid the Government in their exertions to render the war successful and honorable, his resolution would more properly come in as an amendment to the loan bill—should he on reflection deem such an amendment necessary. Mr. C., however friendly to the Navy, could not consent to separate its interests from any other scheme of defence or policy, which the general good required. It would be a tacit confession that there existed in the country one class of citizens who were willing to loan money to the Government for carrying on war by sea, but were opposed to aiding the operations of the Army. He never would consent to divide those interests. If the war was to be prosecuted, the success or disgrace must be equally felt by all. Whatever difference of feelings or opinions might exist, the several interests of the country were inseparable, and formed, in reality, but one solid and substantial interest. They should be all freighted in the same bark—in that he would nail the flag to

the mast, and they should all float or go down together. Mr. C. moved that the resolution lie on the table.

Mr. MILNOR said, his sole reason for separating the two subjects was, that he (and those who were friendly to a permanent navy went along with him) could not conscientiously vote for a loan to be applied to an invasion of Canada, though he wished to do it for a proper maritime defence.

The resolution was opposed by Messrs. JOHNSON and WRIGHT, and supported by Messrs. GOLDSBOROUGH and GOLD.

The question to lay it on the table was negatived—45 to 49.

The question was then taken on the passage of the resolution—yeas 26, nays 81, as follows:

YEAS—John Baker, Abijah Bigelow, Harmanus Bleecker, James Breckenridge, Thomas B. Cooke, John Davenport, jr., James Emott, Asa Fitch, Thomas R. Gold, Charles Goldsborough, Richard Jackson, jr., James Milnor, Jonathan O. Moseley, Timothy Pitkin, jr., Josiah Quincy, William Reed, Henry M. Ridgely, Daniel Sheffey, Philip Stuart, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Peleg Tallman, Laban Wheaton, Leonard White, and Thomas Wilson.

NAYS—Willis Alston, jr., William Anderson, Stevenson Archer, David Bard, Burwell Bassett, William W. Bibb, William Blackledge, Adam Boyd, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, Epaphroditus Champion, Langdon Cheves, Martin Chittenden, James Cochran, John Clopton, Lewis Condict, William Crawford, Richard Cutts, Roger Davis, John Dawson, Joseph Desha, Samuel Dinsmoor, Elias Earle, William Findley, James Fisk, Meshack Franklin, Thomas Gholson, Edwin Gray, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, Aylett Hawes, Jacob Hufty, John M. Hyneman, Richard M. Johnson, Joseph Kent, William R. King, Abner Lacock, Joseph Lewis, jr., William Lowndes, Aaron Lyle, Nathaniel Macon, Thomas Moore, William McCoy, Samuel McKee, Alexander McKim, Arunah Metcalf, Samuel L. Mitchill, James Morgan, Jeremiah Morrow, Hugh Nelson, Anthony New, Thos. Newton, Joseph Pearson, Israel Pickens, James Pleasants, jr., Benjamin Pond, Elisha R. Potter, Thomas B. Robertson, John Rhea, Jonathan Roberts, William Rodman, Ebenezer Sage, Thomas Sammons, Lemuel Sawyer, Ebenezer Seaver, John Sevier, Adam Seybert, Samuel Shaw, George Smith, John Smith, Chas. Turner, jr., Robert Whitehill, David R. Williams, William Widgery, Richard Winn, and Robert Wright.

LOAN BILL.

On motion of Mr. CHEVES, the House resolved itself into a Committee of the Whole on the bill "authorizing a loan of —— millions of dollars;" and, also, a bill "authorizing the issuing of Treasury notes for the year 1813."

Mr. CHEVES moved that the first blank be filled with the word "sixteen." He then went into a detailed account of the demands for which provision was to be made, and the resources to meet these demands, as follows:

EXPENDITURES.

1. Civil expenses of the Government, including foreign and domestic expenses - - -		$1,532,681
2. Provision for the public debt - -		8,000,000
3. Military Establishment, regular Army, &c. - - - - - -	$15,205,375	
Militia, volunteers, and twelve months men, if authorized by law - - - - -	6,000,000	
	21,205,375	
The regular Army will not be for sometime completed, and the twelve months men, militia, and volunteers, cannot be immediately called into service; therefore deduct on these several accounts -	2,000,000	
	19,205,375	
Add for the Indian department - - - - -	185,000	
		19,390,375
4. Navy Department. Gross estimate, including $2,500,000 for the increase of the Navy, authorized by act of the present session - -	7,626,108	
This estimate includes an appropriation for two hundred gunboats, or a sum equal to about $3,000,000, while it is probably neither the wish nor the interest of the country that this force should be called into service; therefore deduct on this account -	1,000,000	
		6,626,108
5. For contingent expenses - - -		450,835
		36,000,000

In order to meet these demands, Mr. C. stated the following resources:

Estimated revenue for 1813 - - -		$12,000,000
Receivable in 1813, on account of the loan of 1812, and Treasury notes issued for that year - - - - - - -		2,000,000
Balance in the Treasury 1st of January, 1813, not ascertained with accuracy, but exceeding - - -	$4,000,000	
Deduct from this sum expenses incurred on account of militia, &c., in 1812, but not yet paid - - - - -	1,000,000	
		3,000,000
Treasury notes to be issued for the year 1813 - - - - - -		5,000,000
The proposed loan - - - -		16,000,000
		38,000,000
From this sum deduct the amount of estimated expenses - - - -		36,000,000
Leaving a surplus of - - - -		2,000,000

Mr. CHEVES, having thus offered the above statements, said, it might be objected, that they were not satisfactory, as we were engaged in a war, the duration of which was uncertain, and might be long, and that our views of the ways

and means ought to extend not only to the present, but to future years. This no doubt would be done, and could be done without difficulty, if the Legislature and the proper constituted authorities did their duty. He would promise that the system which was proposed with a view to the war, and on which the war was commenced, has this principle for its basis—to provide a fixed annual revenue, sufficient to pay the ordinary expenses of the Government, and the interest on the public debt, including new loans. This was the principle suggested in the Message of the President, confirmed by the report of the Secretary of the Treasury, and reiterated by the report of the Committee of Ways and Means—a principle which was probably in a great degree satisfactory to all parties in the House and in the nation. The effect of this principle had been fully accomplished, as it regarded the present year. The ordinary expenses of the Government for this year, might be estimated at $9,500,000, while the revenue receivable within the year, was ascertained to be $12,000,000, leaving a surplus of $2,500,000, beyond the sum required to carry the principle alluded to into effect. The means of providing for future years were obvious and abundant. We had a wealthy and unexhausted country, on which not a cent of burden had yet been laid. Taxes might be laid—a repeal of the restrictive laws alone would furnish the means for the ensuing year, and probably longer, while it would have the additional advantage of bringing home the property of our citizens and floating the country with surplus capital, which would probably be loaned to the Government. Taxes might yet be laid during the present session of Congress, if a proper degree of industry were bestowed on the subject. If not, the President was invested with power to call Congress together, before the Constitutional period of their meeting, and in time to accomplish this object for the purpose of the ensuing year. He declared it to be his decided opinion, that the repeal of the restriction on commerce or the imposition of taxes must be adopted; and it was his opinion (though it might differ from that of those for whom he felt a respectful deference) that both ought to be done, to render the ways and means of the Government abundant, and the prosecution of the war vigorous and successful. Gentlemen, he said, could not entertain any reasonable apprehensions on account of the loan for the present year. Suggestions of its failure seemed to be unfounded. It had been predicted that the loan for the last year would not succeed, but these predictions had been entirely falsified by the event. He had the pleasure to inform the Committee that the loan of the last year had been filled, except a little more than half a million, while the whole of the Treasury notes, authorized to be issued, had been put in circulation. A demand had even existed for more. He compared the relative situation of the country in 1812 and 1813. In 1812, there were twenty millions of property in the enemy's country, which was now brought home. The state of war had of necessity released large sums from the demands of commerce, &c.; it would be the interest of the holders of this money to loan it to Government. If it should be said that the release of capital from the demands of commerce had a disastrous aspect, it was susceptible of a satisfactory answer, which would be given when the objection should be urged. Mr. C. thought the banks alone would be able, from the diminution of the demands of commerce upon them, to afford to Government the aids it wanted, if they would give a circulation to their business with Government, something like that which subsisted between them and individuals. They had drawn in much of their capital since the war, and were better able to loan now than they were the last year.

The money borrowed from the Government the last year, was not taken out of the circulation of the money market; it had only passed into other hands, and if not demanded for the objects of industry and of commerce, which would not probably be the case, the present holders would find their interest to loan it again to the Government. It might be also objected, said Mr. C., that the Government, by this bill, was not restricted in the rate of interest. To this he would reply, that if precedents were necessary to justify this omission, enough were furnished by the Administrations which preceded the year 1801—enough were furnished by the records of the Washington Administration. He had thought it his duty to advert to the several acts of Congress which authorized loans during these Administrations. He would not say that he spoke with perfect accuracy, though he believed he did. From this examination it appeared that from the foundation of the Government to the year 1801, loans were authorized to the amount of $5,800,000 at 5 per cent., to the amount of $6,774,539 6–100 at 6 per cent., and to the amount of $24,000,000 without any limitation of the interest authorized to be given. The first loan authorized by the Government was for $12,000,000, and without any restriction in the rate of interest. This, too, was in a state of peace. We are now in a state of war, when he hoped, however gentlemen in the minority might differ from the majority as to the propriety of the war or the objects of the war, as the events of it must affect objects equally dear to all, they would not be found so far to separate themselves from the Government and the country as unnecessarily to embarrass the endeavors of the majority to prosecute the war with honor and success. He hoped the petty prejudices and distinctions of party would not mingle in this great question, but would be generously sacrificed upon the altar of public good. He would just add, that the bill authorizing the issuing of Treasury notes, which was also before the Committee, had a connexion with the loan bill. It authorized, in addition to the sum relied upon as a part of the ways and means of the year, the issuing of a further sum of $5,000,000, but provided in that event for an equivalent distribution of the loan.

Mr. Sheffey said he did not observe in the de-

tails of the gentleman any provision made for the reimbursement of the Treasury notes payable after this year, with the interest—as also the interest on the loan of 1812. He asked if the eight millions appropriated to the public debt embraced these objects; or was the eight millions appropriated solely to the *Sinking Fund?*—if so, he would rather vote for a loan of twenty millions, than to vote one dollar of a fund which should be regarded as sacred to the object for which it was established.

Mr. CHEVES replied, that the eight millions included the several items stated by the gentleman, and was more than enough to meet the sum to be paid on account of the old debt, loans, and Treasury notes, and the interest on these. This he said was the true and legal application of the Sinking Fund, as would be shown if the question should be agitated.

Mr. BIGELOW, after observing that he made this motion (to strike out the first section of the bill) because he meant to oppose the system of obtaining money by loans, rather than the details of the bill, said:

Mr. Chairman, in support of the motion which I have made, and which, if it prevails, is tantamount to a rejection of the bill, I will make some observations, although I find myself under an uncommon degree of embarrassment. An embarrassment, which proceeds not only from the delicacy of my situation, but from an apprehension nay, sir, conviction, that it will be impossible for me to communicate to the Committee my reasons for the motion, in that clear and forcible manner with which they have presented themselves to my own mind.

The delicacy of my situation results from my having been opposed to the war, when it was declared; from being now opposed to its prosecution, as well, because the principal cause for its declaration has been removed, as from a persuasion, that the invasion of Canada is both morally and politically wrong, and a conviction that the manner of raising and distributing the military force is not adequate to the contemplated object. But, sir, we have voted to raise the force, and are about to rely on loans to clothe, feed, and pay it. Against this course, I beg leave at this time most solemnly to protest, and ask the indulgence of the House, while I attempt to point out some of the fatal consequences which must inevitably result from it.

Mr. Chairman, we have heard much said within these walls in praise of national honor and national glory. They have become so much the burden of the song, that national faith and national credit appear to have shared the fate of the poor wise man, who, by his wisdom, delivered the city, and yet no man remembered him.

National honor and national glory, Mr. Chairman, have a charm in the sound, which strikes sweet music to the ear, while national faith and national credit strike it with the harsh notes of discord. No man, however, admires more than I do, national honor and national glory; but it must be that honor and that glory which is encircled by virtue and justice, and supported by national faith and credit.

Sir, I admire not the glory of conquest. I admire not the glory of an Alexander; I mean the Macedonian, not the Russian Alexander. I admire not the glory of a Julius Cæsar, or a Napoleon. I have no desire for that American glory which is to be acquired on the plains of Abraham, at the walls of Quebec, or on the barren sands of Florida. Besides, Mr. Chairman, the present state of our finances affords but a gloomy prospect for the attainment of this species of glory.

An empty Treasury to be replenished by naked loans is but an ill omen of success.

What, sir, is the present state of our finances? Let the report of the Secretary of the Treasury speak. That, sir, informs us that $10,000,000 were added to the public debt during the past year. That the expenses of the present year, without including the addition to the Army and Navy, will amount to $31,925,000. Those additions, according to the statement of the honorable Chairman of the Committee of Ways and Means, will increase the expenses to thirty-six millions. The revenues are but twelve millions, which will leave twenty-four millions to be provided for by loans or Treasury notes. The Secretary has not informed us what will be the expenses of the year 1814. He could not. But he has told us that the revenue of that year, if the war continues, will not exceed three millions.

This, sir, is the state of your finance, and these are the means by which you are to support and maintain a navy, and an army of fifty-five thousand men.

I confess, Mr. Chairman, that this mode of raising money, by naked loans, excites in my mind more apprehensions for the liberties of this country, than even the raising of the large army which has been authorized. This, if not a novelty, is a dangerous experiment in legislation—an experiment calculated to shake the stability of any Government, but more especially one like ours, founded on the will and the affections of the people.

To raise large armies is at all times, and on all occasions, dangerous to the liberties of a Republic, but it is infinitely more so to raise them for the avowed object of invasion and conquest, and depend on loans for their pay and subsistence.

I am aware that a nation, irritated at the injuries inflicted on it by another, is apt to rush into war regardless of means or consequences. But, sir, the great political maxim, that the preservation of public credit involves in it the preservation of national honor and national existence, ought never to be forgotten. It ought to be the first article in the creed of every politician of whatever party; one which he ought never, for party or temporary purposes, for a moment to lose sight of.

Better, sir, lose the election of a favorite candidate for President; better, sir, lose our own places, than suffer the public credit to be impaired.

Having, Mr. Chairman, made these general remarks, I will attempt to illustrate these two positions: 1st. That it is essential to justice, and the preservation of public credit, that whenever a debt is contracted, proper funds should be established, not only for paying the annual interest of the same, but for discharging the principal within a reasonable period; 2d. That without the establishment of such a fund, loans cannot be obtained, the Army, if raised, cannot be punctually paid, a revolution will follow, and our present Government converted into a military despotism.

The first of these positions is taken almost verbatim from a report made to the old Congress, in December, 1782, by a committee consisting of Mr. Hamilton, Mr. Madison, and Mr. Fitzsimons.

The position is true at all times; at that time, it was felt, understood, and acknowledged by every man in the United States.

At that time, and for some time previous, the public credit of this country was at a low ebb. The Congress of that day were unremittingly engaged in their endeavors to restore it. In their addresses to the several States, urging a compliance with their requisitions, the language uniformly was, that a compliance was necessary, not merely for the preservation, but for the restoration of public credit.

May such never again be the language of an American Congress; but if these measures are persisted in it will be inevitable.

As early, Mr. Chairman, as September, 1779, Congress had issued bills of credit to the amount of $159,948,880. At this period, however, they calculated on preserving the public credit; and it is not a little remarkable that their calculations were founded on the same principles with those of the Chairman of the Committee of Ways and Means, in his eloquent speech on the Army bill, by apportioning the amount upon each individual in the United States. I will read you their calculations at that time, 1779, in their own words:

"Let us suppose, for the sake of argument, that at the conclusion of the war the emissions should amount to $200,000,000; that exclusive of the supplies from taxes, which will not be inconsiderable, the loans should amount to $100,000,000; then the whole debt of the United States would be $300,000,000. There are at present three millions of inhabitants in the thirteen States. Three hundred millions of dollars, divided among three millions of people, would give to each person one hundred dollars. And is there a man in America unable, in the course of eighteen or twenty years, to pay it again?"

Mr. Chairman, arguments like these are fallacious, and their fallacy consists in this: that not more than one in ten of the whole number of souls in the United States pay any part of the tax; and of those who pay any part of it, nineteen-twentieths have as much as they can do to support themselves and families, and make any provision for their children. Besides, sir, the accumulation of interest, and the annual expenditures of Government, are left out of the calculation.

That this reasoning of the old Congress was fallacious, we have incontrovertible evidence from their own mouths. For, on the 17th March following, they passed a resolution: "that gold 'and silver should be receivable in payment of 'the quotas required of the several States, at the 'rate of one Spanish milled dollar in lieu of every 'forty of the bills (then) in circulation."

No wonder, then, that Congress should say in 1782, "that it is essential to justice, and the pre-'servation of public credit, that whenever a debt 'is contracted, proper funds should be estab-'lished, not only for paying the annual interest, 'but for discharging the principal within a rea-'sonable period." And, sir, if we are not now willing to subscribe to this doctrine, a few years continuance of the war will afford us an awful example of its truth.

Mr. Chairman, I will now proceed to the second point, viz: that without such a fund loans cannot be obtained; your army, if raised, will not be punctually paid; public credit will be impaired; a revolution will follow, and your Government will be converted into a military despotism.

Without such a fund, even the friends of war will not loan you money. Money is not loaned from motives of patriotism, but gain; and I have no hesitation in saying the loan will not be obtained.

Let us again recur to the history of the Revolution. I do this, Mr. Chairman, because it is more familiar; because the people are now as loyal as they were then, except that the Revolutionary war had a popularity which this has not, and because positions, supported by facts, are entitled to more credit, than those supported by mere argument. Upon this subject, I beg leave to read a few passages from two letters from Dr. Franklin, then our Minister in France. The first is dated December 23, 1782, in which he says:

"Friday last an order was given to furnish me with 600,000 livres immediately, and I was assured by M. Vergennes, that the rest of the 6,000,000 should be paid us quarterly in the course of the year 1783. I pressed hard for the whole sum demanded, but was told it was impossible.

"Our people certainly ought to do more for themselves. It is absurd the pretending to be lovers of liberty, and grudge paying for the defence of it. The foundation for credit abroad should be laid at home; and certain funds should be prepared and established beforehand for the regular payment, at least of the interest."

In another letter, dated March 15, 1783, after speaking on the subject of the French loan, he says:

"I abstain from repeating here the other parts of the Count de Vergennes' despatches, which I had the honor to communicate, because the truths they contain are well known to you, and because they may all be reduced to this single position, that without a speedy establishment of solid general revenue, and an

exact performance of the engagements which Congress have made, you must renounce the expectation of loans in Europe."

Again, sir, in an address of Congress, December 16, 1782, to the State of Rhode Island, prepared by a committee, consisting of Mr. Hamilton, Mr. Madison, and Mr. Fitzsimmons, we have these remarkable expressions: "Our applications to the foreign Powers, on whose friendship we depend, have had a successs far short of our necessities. The next resource is to borrow from individuals. These will neither be actuated by generosity nor reasons of State. 'Tis to their interest alone we must appeal. To conciliate this, we must not only stipulate a proper compensation for what they lend, but we must give security for the performance. We must pledge an ascertained fund; simple and productive in its nature, general in its principle, and at the disposal of a single will."

If at that day neither patriotism or reasons of State would induce individuals to loan you money, can you expect them to do it now? Sir, you will not obtain it. It is impossible. Your army, of course, will not be punctually paid, and public credit will be impaired.

It now remains to show that a revolution will follow, and the Government be converted into a military despotism. And here again, Mr. Speaker, I will recur to facts derived from the history of the Revolution. The sufferings aad patriotism of the Revolutionary army are well known. But their patriotism was tried to the utmost point of endurance. To show this, I will read a passage from a memorial presented by the army, to Congress, in December, 1782: "Our distresses are now brought to a point; we have borne all that men can bear; our property is expended; our private resources are at an end; and our friends are wearied out with our incessant applications. We, therefore, most seriously and earnestly beg that a supply of money may be forwarded to the army as soon as possible. The uneasiness of the soldiers for want of pay, is great and dangerous; and further experiments on their patience may have fatal effects."

Well, sir, what followed? Why, on the 10th of March (then) next, the famous anonymous letter, written, if fame does not belie him, by the very man who is to have the direction of your war operations, was industriously circulated through the army. A flame was kindled, which nothing but the commanding influence of WASHINGTON, aided by his general officers, could have extinguished.

Let us, Mr. Chairman, learn wisdom, by experience. If you will have an army, for Heaven's sake make prompt and effectual provision for their pay and subsistence. Depend not upon loans. Expose not again the liberties of your country. At the head of your army, you will not have a Washington; you will not have soldiers actuated by the same motives of patriotism; you will not have the same apology for neglecting to pay them. They will commence by complaints; they will load your table with petitions, which, though just, you will not have it in your power to grant; they will take justice into their own hands, and under some popular leader, after scenes of horror, devastation, and blood, they will convert your Government into a military despotism.

I am aware it will be said, that it is intended to provide a system of revenue for this purpose. I doubt not the intention, but I do and must doubt the execution. With this intention, as we were informed, such a system was reported at the last session. Why was it not then adopted? Why has it not been acted on at this? These, sir, are questions, which it is not for me to answer. The public must and will judge for themselves. Thus much, I may say, that the reasons which have hitherto prevented the adoption of such a system, will not only continue to operate, but will increase by delay.

Mr. Chairman, I will detain you but a moment longer. I have always been opposed to this war. I am now opposed to its continuance. The responsibility, therefore, for its faithful prosecution, and successful termination, rests not on me. I am, however, equally interested in the event, with those who made it; and I call upon them, as they regard the interest, the happiness, and future welfare of the country, to take reasonable and effectual measures for the preservation of the public credit.

Do not, by rashness, or extravagance, bring our excellent Constitution into disrepute. A Constitution, the great excellence of which consists, in a wise, faithful, provident, and impartial administration; a Constitution, which, under the auspices of a Washington, is calculated to diffuse happiness throughout the community; to give to agriculture, a rich reward for its labors; to manufactures, encouragement; and to commerce, extension and protection.

But, sir, a Constitution, which, under the auspices of other men, may take bread from the mouth of labor; protect commerce, by its total annihilation; secure peace, by perpetual wars; and render the people happy and contented, because deprived of every solid and substantial enjoyment, they will have nothing more to lose.

Mr. Chairman, we have received from our fathers a rich and valuable inheritance; we are bound to transmit it to our children, as valuable, at least, as we received it. Let us not, then, encumber it with a mortgage of ours, which it will not be in their power to redeem.

The question was then taken on Mr. BIGELOW'S motion by ayes and noes, and determined as follows—ayes 23, noes 61.

The question was then put to fill the first blank with the word "sixteen," and carried.

Mr. MILNOR moved to amend the first section by inserting, after the word "dollars," these words, "at a rate of interest not exceeding —— per cent. per annum."

He said his motive for offering this amendment was to put some limits to the enormous powers proposed to be devolved upon the President by this bill; that although his own opinion was decidedly

Mr. Cheves then moved to fill the blank in the second section, with the words "forty thousand dollars."

Mr. Tallmadge opposed this, as a sum by far too great to be given as a commission for negotiating the loan;—forty thousand dollars was one-fourth per cent. on sixteen millions. He thought one-eighth an ample compensation. He therefore moved to strike out the word "one-fourth," and insert, instead, "one-eighth."—Negatived.

The Speaker said, that, if no other amendment were proposed, the question would be on engrossing the bill.

Mr. Pitkin said, he wished till to-morrow to prepare an amendment he would then propose; to which Mr. Cheves acceded.

The Committee rose, and had leave to sit again on the bill for issuing Treasury notes for 1813; and on motion, the House adjourned until Monday.

Monday, January 25.

The bill from the Senate supplementary to the law for calling out the militia, &c., as amended by this House, was read a third time, and passed.

Mr. Bond presented five resolutions of the Legislature of the Illinois Territory, requesting their Delegate in Congress to procure the passage of a resolution declaratory of the intention of Congress with respect to the ultimate disposition of the saline lands in said Territory; that he will cause Congress to allow the introduction of slaves into said Territory, to be employed in the salt works; or that money may be appropriated for the purpose of opening roads to the said salt works; and that he will cause measures to be taken with respect to the lands set aside for the use of schools.

Ordered, That the three first resolutions be referred to the Committee on the Public Lands, and that the two last resolutions be referred to a select committee.

Mr. Bond, Mr. Hawes, Mr. Butler, Mr. Desha, and Mr. Metcalf, were appointed the committee.

On motion of Mr. Poindexter, the Committee of the Whole House were discharged from the farther consideration of the report of the Committee on the Public Lands, made on the 2d of December last, relative to an extension of the time limited by law for the payment of lands purchased of the United States; and the report was recommitted to the Committee on the Public Lands.

ADDITIONAL MILITARY FORCE.

The House took up the amendment of the Senate to the bill for raising an additional military force for one year.

[The amendment requires the concurrence of the Senate in all appointments which shall be made under it, during the time that body shall be in session.]

Mr. Williams having stated the entire concurrence of the Military Committee in this amendment, it was adopted without a division.

LOAN BILL.

The House resumed the consideration of the Loan bill.

Mr. Milnor moved to amend the bill by inserting, after the provision authorizing the loan, the words "at a rate of interest not exceeding six per cent. per annum."

On the suggestion of Mr. Randolph, Mr. Milnor modified his motion, so as to leave the rate of interest blank.

The question on the motion was decided by yeas and nays, as follows:

Yeas—John Baker, Abijah Bigelow, Harmanus Bleecker, Adam Boyd, James Breckenridge, Elijah Brigham, Epaphroditus Champion, Martin Chittenden, Thomas B. Cooke, John Davenport, jr., William Ely, James Emott, Asa Fitch, Thomas R. Gold, Edwin Gray, Jacob Hufty, Richard Jackson, jun., Philip B. Key, Joseph Lewis, jr., Archibald McBryde, James Milnor, Jonathan O. Moseley, Joseph Pearson, Timothy Pitkin, jun., Elisha R. Potter, Josiah Quincy, John Randolph, Henry M. Ridgely, William Rodman, Daniel Sheffey, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Uri Tracy, Laban Wheaton, Leonard White, and Thomas Wilson—37.

Nays—Willis Alston, jr., William Anderson, Stevenson Archer, Daniel Avery, Ezekiel Bacon, Burwell Bassett, William W. Bibb, William Blackledge, Robert Brown, William A. Burwell, William Butler, Francis Carr, Langdon Cheves, James Cochran, John Clopton, William Crawford, Richard Cutts, Roger Davis, John Dawson, Joseph Desha, Samuel Dinsmoor, Elias Earle, William Findley, Thomas Gholson, Isaiah L. Green, Bolling Hall, Obed Hall, John A. Harper, Aylett Hawes, John M. Hyneman, Richard M. Johnson, William R. King, Abner Lacock, Wm. Lowndes, Aaron Lyle, George C. Maxwell, William McCoy, Alexander McKim, Arunah Metcalf, Samuel L. Mitchill, James Morgan, Jeremiah Morrow, Hugh Nelson, Thomas Newton, Israel Pickens, William Piper, James Pleasants, jr., Benjamin Pond, Thomas B. Robertson, John Rhea, Jonathan Roberts, Ebenezer Sage, Lemuel Sawyer, Ebenezer Seaver, John Sevier, Adam Seybert, George Smith, Silas Stow, William Strong, John Taliaferro, George M. Troup, Charles Turner, junior, Robert Whitehill, David R. Williams, and Richard Winn—65.

Mr. Milnor then renewed the motion in the form in which he first proposed it, viz: to insert *six per cent. per annum.*

This motion was also modified on the suggestion of Mr. Pitkin, by adding thereto the words "payable quarterly-yearly."

And the question thereon was decided by yeas and nays. For the motion 36, against it 69, as follows:

Yeas—John Baker, Abijah Bigelow, Harmanus Bleecker, James Breckenridge, Elijah Brigham, Epaphroditus Champion, Martin Chittenden, Thomas B. Cooke, John Davenport, junior, William Ely, James Emott, Asa Fitch, Thomas R. Gold, Edwin Gray, Jacob Hufty, Richard Jackson, junior, Philip B. Key, Joseph Lewis, jr., Archibald McBryde, James Milnor, Jonathan O. Moseley, Joseph Pearson, Timothy Pitkin, junior, Elisha R. Potter, Josiah Quincy, John Randolph, Henry M. Ridgely, William Rodman, Daniel Sheffey, Lewis B. Sturges, Samuel Taggart, Benjamin

Tallmadge, Uri Tracy, Laban Wheaton, Leonard White, Robert Whitehill, and Thomas Wilson—36.

NAYS—Willis Alston, jun., William Anderson, Stevenson Archer, Daniel Avery, Ezekiel Bacon, Burwell Bassett, William W. Bibb, William Blackledge, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, Francis Carr, Langdon Cheves, James Cochran, William Crawford, Richard Cutts, Roger Davis, John Dawson, Samuel Dinsmoor, Elias Earle, William Findley, James Fisk, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Isaiah L. Green, Bolling Hall, Obed Hall, John A. Harper, Aylett Hawes, John M. Hyneman, Richard M. Johnson, Joseph Kent, William R. King, William Lowndes, Aaron Lyle, Thomas Moore, William McCoy, Samuel McKee, Alexander McKim, Arunah Metcalf, Samuel L. Mitchill, James Morgan, Jeremiah Morrow, Hugh Nelson, Thomas Newton, Israel Pickens, William Piper, James Pleasants, jr., Benjamin Pond, Thomas B. Robertson, John Rhea Jonathan Roberts, Ebenezer Sage, Lemuel Sawyer, Ebenezer Seaver, John Sevier, Adam Seybert, Samuel Shaw, George Smith, Silas Stow, Wm. Strong, John Taliaferro, George M. Troup, Charles Turner, jun., Robert Whitehill, and Richard Winn—69.

Mr. TALLMADGE moved to amend the bill by adding to the first section the following words: "Provided that no such stock shall be sold under par." The question on this motion was decided by yeas and nays. For the motion 44, against it 67, as follows:

YEAS—Stevenson Archer, Daniel Avery, John Baker, Abijah Bigelow, Harmanus Bleecker, Adam Boyd, James Breckenridge, Elijah Brigham, William A. Burwell, Epaphroditus Champion, Martin Chittenden, Thomas B. Cooke, John Davenport, jun., William Ely, James Emott, Asa Fitch, Thomas R. Gold, Edwin Gray, Aylett Hawes, Jacob Hufty, Richard Jackson, jun., Philip B. Key, Joseph Lewis, junior, Archibald McBryde, Arunah Metcalf, James Milnor, Jonathan O. Moseley, Joseph Pearson, Timothy Pitkin, jr., Elisha R. Potter, Josiah Quincy, John Randolph, Henry M. Ridgely, William Rodman, Daniel Sheffey, Philip Stuart, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Uri Tracy, Laban Wheaton, Leonard White, Robert Whitehill, and Thomas Wilson—44.

NAYS—Willis Alston, jr., William Anderson, Ezekiel Bacon, David Bard, Burwell Bassett, William W. Bibb, William Blackledge, Robert Brown, William Butler, John C. Calhoun, Francis Carr, Langdon Cheves, James Cochran, John Clopton, William Crawford, Richard Cutts, Roger Davis, John Dawson, Samuel Dinsmoor, Elias Earle, William Findley, James Fisk, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Isaiah L. Green, Bolling Hall, Obed Hall, John A. Harper, John M. Hyneman, Richard M. Johnson, Joseph Kent, William R. King, William Lowndes, Aaron Lyle, Thomas Moore, William McCoy, Samuel McKee, Alexander McKim, James Morgan, Jeremiah Morrow, Hugh Nelson, Anthony New, Israel Pickens, William Piper, James Pleasants, jr., Benjamin Pond, Thomas B. Robertson, John Rhea, Jonathan Roberts, Ebenezer Sage, Lemuel Sawyer, Ebenezer Seaver, John Sevier, Adam Seybert, Samuel Shaw, George Smith, John Smith, Silas Stow, William Strong, John Taliaferro, George M. Troup, Charles Turner, jr., David R. Williams, William Widgery, Richard Winn, and Robert Wright—67.

Mr. PITKIN said he rose to offer an amendment. This bill, he observed, gave the President a power to borrow money at an unlimited interest, and a power to go into the market and sell at what price he pleased.

This power was unexampled. In 1798, when a loan of five millions was authorized, and in 1800, when a loan of three and a half millions was voted, there was a restrictive clause in those acts which prevented the President from selling the stock under par. And surely, said Mr. P., if such a provision was thought necessary then, the reason is much more forcible when the power is three times greater than was ever before given to the President. He would just add that the amendment he should now propose was not a novel one—as the Commissioners of Loans, as well as the Commissioners of the Sinking Fund, are obliged to submit to this House an account of their proceedings.

Mr. PITKIN then offered the following amendment as a new section to the bill:

And be it further enacted, That the President of the United States shall cause to be laid before Congress, within twenty days after the commencement of their next session, an account of all the moneys obtained by the sale of the certificates of stock, by virtue of the power given him by the preceding section, together with a statement of the rate at which the same may have been sold.

On this amendment Mr. PITKIN demanded the yeas and nays.

Mr. CHEVES objected to the shape, but not the principle of this amendment; he thought it very proper that the President should be accountable for the manner in which he used the power vested in him by this bill. Congress might possibly be called together sooner than the Constitutional period. But supposing this should not be the fact; yet they would be called together before the end of the year, and the loan would not be completed. So long as the loan is executory the accountability should not be demanded. It is possible there is no precedent on record for similar power given to the President. Whether it was, or was not so, Mr. C. did not deem it important; the great question should be, whether any more power is given to the President over the funds of the United States. He believed the same power, though differently modified, was constantly given to him—and this arose from the nature of the Government.

Mr. PITKIN could not see any reasonable objection to the country calling whenever they pleased upon the public stewards to give an account of their stewardship. He was willing to modify the amendment so as to meet the views of the honorable gentleman. He would alter it so as to read, within twenty days after the first of December next, or twenty days after the next meeting of Congress, if it should not meet before the time fixed by the Constitution.

Mr. RANDOLPH said he really could not understand what objection—when great power, and consequently great responsibility, was vested in the officers of Government—what objection gentlemen could reasonably make to those officers being called upon at any and at all times to ren-

der an account of the manner in which they had executed the trust reposed in them, and, therefore, he could not agree to the modification of the amendment which was suggested by the honorable mover of it. The causes for this provision were various and imperious; they must be obvious to every understanding when the manner of their discharging their trust was known; it might furnish good cause for withdrawing any further confidence. Mr. R. declared that he could not contemplate the very extraordinary strong-handed measures that were pursuing, or the fate of every attempt made by him to oppose the torrent, without feeling at times a doubt of its existence, and rather imagine that he himself was laboring under a temporary delusion of mind, than that such things could be real. Every restriction upon the undue exercise of power, suggested by the vigilant guardians of the public, whose duty it was to be ever jealous, was resisted as if it were treasonable, and as pertinaciously opposed, as if entertaining a doubt of the purity of the Executive were thought an insult to the House. And who, he demanded, were those that were the uniform opponents of every restriction thus offered? Why, those very persons who choose to call themselves by the name of Republicans. He would not dispute the name with them, nor would he enter at large into the subject at this stage of the business; but return again to the point from which he set out, and say that he should be glad to hear from some other gentlemen what possible cause of objection they could imagine to the proposition now before the House. What a strange sort of a guardian to an infant Republic must he be, to lay it down as a rule to disclaim the calling on the agents of its property, to account for their trust.

If in private life such a thing took place it would be viewed at least with suspicion, and considered as having a very dishonest aspect; and when the minor came of age, would serve as an abundant motive to him for thinking that he had not been faithfully dealt by.

Mr. Stow said, the great object of the proposed amendment was to guard against any corrupt use of the confidence thus reposed in the Executive. If only information was wanted, the House had power to call for it at any period they pleased. He would move an amendment to the amendment—to strike out the words, "within twenty days after the next meeting of Congress"—and insert, "within twenty days after the 1st Monday in February, 1814."

Mr. Wright spoke at some length against the amendment as proposed by Mr. Pitkin.

Mr. Pitkin declared, that he could not consent to throw back the time so far as February, 1814. He thought he was full liberal enough, in consenting to place it at December.

Mr. Cheves said, that instead of being astonished at the opposition made to the amendment, he would have been surprised that any one should acquiesce in it—one should expect that a principle so extraordinary should be introduced. It has been the fashion to call for precedents, and he now defied gentlemen to produce a precedent for the measure that was offered. He was surprised, and could not but regret, that the gentleman from Virginia had reflected upon the Republicans. In common charity, he would believe that gentleman a Republican, because he says he is one; for himself, he did not enter into any man's bosom to divine his motives.

Mr. C. said, he was happy, generally, to agree with the gentleman from Virginia; and in the present instance, if at any time after the meeting of Congress, before February next, he would show there had been any abuse of the power thus confided to the President, he, for one, would come forward and support him.

He reminded the gentleman, that the Committee of Ways and Means should be in session at least two months before they could properly arrange and digest the great variety of business before them. Should gentlemen insist upon the information in December, he believed it would be impossible to gratify them—for in the same month, this session, nothing was done by the Committee of Ways and Means. Some time being always requisite to learn what they had to do. He entirely agreed with gentlemen in principle on the resolution offered, and demanded only so much time as would be necessary to carry the resolution into effect. He would also remark, that the loan would not, in all probability, be completed by the time fixed by the gentleman from Connecticut—hence the impracticability of furnishing the statements asked for.

Mr. C. remarked, that developing, from time to time, the terms on which loans were effected, might be injurious to the Government, by preventing their getting the money at a lower rate than they otherwise would; and, in acting thus, we copied the example of the British Parliament, who intrusted to their Minister the power of effecting the loan in the best manner he could, and his bargain was never discredited by the House of Commons.

Mr. Randolph said he should not again have thought of troubling the House, had he not been called up by some remarks made by the honorable gentleman from South Carolina. The professional habits of that honorable gentleman had given him an advantage over him (Mr. Randolph) which he was willing to acknowledge; for, with a dexterity still more surprising than could be to that honorable gentleman the acquiescence in the motion, which he said would have surprised him so much, he had contrived to shake out of his (Mr. Randolph's) head, more meaning than he ever thought had existed there. Mr. R. said, that the motion of Mr. Pitkin was so excessively reasonable, that if the honorable gentleman had not said so, he could not have believed it possible that its being acceded to, could be matter of astonishment—for his own part, he must say, that when the honorable gentleman who made the motion, and who it appears from that knew the disposition of the House better than he did, demanded to have the question taken by yeas and nays, he was greatly surprised, con-

ceiving there could be no possible objection to it, and that every member in the House would have acceded to it, and none sooner than the honorable gentleman himself, who opposed it. As to the epithet so pertinaciously assumed by all, and which I am supposed to assume, said Mr. R., no less than others, I mean that of Republican, I beg leave to assure the House, that I pretend to lay no exclusive claim to it; in its technical sense, I lay no claim at all to it; for I consider it, sir, as being (to speak in the language of a certain President who was as fond of patronage and big loans as any other President, present or past) a something, which, in practice, may mean anything, or nothing. The honorable gentleman had gone beyond his usual courtesy in acceding, though but in theory, to the accountability of the Executive—but he gave it so long a prorogation, that all the mischief might be done in the mean time, and when the mischief was done, what use would there be in the accountability? It would be according to the old proverb "shutting the stable door after the steed was stolen." If no accountability attached till after the deed was done, it would be equivalent to no accountability at all, and the long prorogation proposed by the honorable gentleman, would act as a virtual dissolution of it.

I will say, sir, what I have more than once hinted at—that of late I never rise in this House, without feeling very serious cause for repentance. I have done, sir.

Mr. GOLDSBOROUGH said, he presumed the great object of the gentleman's motion was to obtain the earliest information, and if, on the meeting of Congress, it should appear, that the loan as far as contemplated, had been at too great a sacrifice, they would adopt some other mode to procure the balance—this would be the usual course. Mr. G. said, when gentlemen recollected that our fiscal year ended on the 30th September, he believed they would agree that no embarrassment would result in asking for the information soon after the next meeting of Congress.

The question being taken on Mr. STOW's motion, was carried—yeas 75, nays 37, as follows:

YEAS—William Anderson, Stevenson Archer, Daniel Avery, Ezekiel Bacon, David Bard, Burwell Bassett, William W. Bibb, William Blackledge, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, Francis Carr, Langdon Cheves, James Cochran, John Clopton, Lewis Condict, William Crawford, Richard Cutts, Roger Davis, Joseph Desha, Samuel Dinsmoor, Elias Earle, William Findley, James Fisk, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Isaiah L. Green, Bolling Hall, Obed Hall, Aylett Hawes, John M. Hyneman, Richard M. Johnson, Jos. Kent, William R. King, Abner Lacock, William Lowndes, Aaron Lyle, Thomas Moore, William McCoy, Alexander McKim, Arunah Metcalf, Samuel L. Mitchill, James Morgan, Jeremiah Morrow, Hugh Nelson, Anthony New, Thomas Newton, Stephen Ormsby, Israel Pickens, William Piper, James Pleasants, jr., Benjamin Pond, Peter B. Porter, Thomas B. Robertson, John Rhea, Jonathan Roberts, Ebenezer Sage, Thomas Sammons, Lemuel Sawyer, John Sevier, Adam Seybert, George Smith, John Smith, Silas Stow, William Strong, John Taliaferro, George M. Troup, Charles Turner, jr., Robert Whitehill, David R. Williams, Richard Winn, and Robert Wright.

NAYS—John Baker, Harmanus Bleecker, James Breckenridge, Elijah Brigham, Epaphroditus Champion, Martin Chittenden, Thomas B. Cooke, John Davenport, jr., William Ely, James Emott, Asa Fitch, Thomas R. Gold, Charles Goldsborough, Edwin Gray, Jacob Hufty, Richard Jackson, jr., Lyman Law, Joseph Lewis, jun., Archibald McBryde, James Milnor, Jonathan O. Moseley, Joseph Pearson, Timothy Pitkin, jr., Elisha R. Potter, Josiah Quincy, John Randolph, William Reed, Henry M. Ridgely, William Rodman, Daniel Sheffey, Philip Stuart, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Laban Wheaton, Leonard White, and Thomas Wilson.

The question on agreeing to the resolution as amended by Mr. PITKIN, was then put, and decided in the affirmative—yeas 100, nays 8, as follows:

YEAS—Willis Alston, jr., William Anderson, Stevenson Archer, Daniel Avery, Ezekiel Bacon, John Baker, Burwell Bassett, William W. Bibb, William Blackledge, Harmanus Bleecker, Adam Boyd, James Breckenridge, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, Francis Carr, Epaphroditus Champion, Langdon Cheves, Martin Chittenden, John Clopton, Thomas B. Cooke, Lewis Condict, William Crawford, Richard Cutts, John Davenport, jr., Roger Davis, Joseph Desha, Samuel Dinsmoor, Elias Earle, William Ely, William Findley, Meshack Franklin, Thomas Gholson, Thomas R. Gold, Charles Goldsborough, Peterson Goodwyn, Edwin Gray, Isaiah L. Green, Obed Hall, Aylett Hawes, Jacob Hufty, John M. Hyneman, Richard M. Johnson, Jos. Kent, Lyman Law, Joseph Lewis, jr., Wm. Lowndes, Aaron Lyle, Thomas Moore, Archibald McBryde, William McCoy, Alexander McKim, Arunah Metcalf, James Milnor, Samuel L. Mitchill, James Morgan, Jeremiah Morrow, Jonathan O. Moseley, Hugh Nelson, Anthony New, Thomas Newton, Stephen Ormsby, Joseph Pearson, Israel Pickens, William Piper, Timothy Pitkin, jr., James Pleasants, jr., Benjamin Pond, Peter B. Porter, Elisha R. Potter, Josiah Quincy, John Randolph, William Reed, Henry M. Ridgely, Thomas B. Robertson, John Rhea, Jonathan Roberts, William Rodman, Ebenezer Sage, Thomas Sammons, Lemuel Sawyer, John Sevier, Adam Seybert, Daniel Sheffey, George Smith, John Smith, Philip Stuart, Silas Stow, William Strong, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, George M. Troup, Charles Turner, jr., Leonard White, David R. Williams, Thomas Wilson, Richard Winn, and Robert Wright.

NAYS—Elijah Brigham, James Cochran, Asa Fitch, Bolling Hall, William R. King, Abner Lacock, John Taliaferro, Robert Whitehill.

Mr. SHEFFEY moved to add, to the end of the second section, the following proviso: "provided that no part of the said stock be sold for less than ten per cent. under par." He said that hitherto it had been the policy of the United States to adopt no principle which should forbid the redemption of their stock, or lessen the facility of discharging the principal of any debt contracted, as soon as the resources of the country permitted. On the contrary, it had been a general object not to fasten on posterity the burdens of the present times. He considered the question now fairly

before the House, whether a policy so just and productive of so many beneficial consequences should be abandoned, and one which was calculated to increase and perpetuate the public debt, adopted in its stead. The power granted by this bill to sell our stock in the market below par is new, and of the utmost importance to the country. If it was the intention of the House, ever to redeem the debt now about to be contracted, it was their duty to limit the amount below which stock should not be sold. For without such limitation the interest of the United States was put to hazard. To illustrate his idea, he would cite a case for the consideration of the House. Suppose, said Mr. S., the sum authorized to be borrowed is obtained by loan under that provision of the bill which requires that the amount of the stock issued should be actually loaned, and the rate of interest agreed on would be eight per cent. At the end of twelve years, when the stock becomes redeemable (for so the bill provides) the interest which shall accrue will be $15,360,000, which, added to the principal, will amount to $31,360,000—the sum the United States would pay for interest and principal. If the $16,000,000 are obtained by sales of stock under par, the result in the aggregate will be more unfavorable to the United States, more or less so, according to the terms on which such sales shall be made. Let me suppose that the sum borrowed is raised by sales of stock at twenty per cent. under par; that is, for every eighty dollars actually paid to the Government, one hundred dollars of stock shall issue, bearing an interest of six per cent. To obtain the sixteen millions, it will be necessary to contract a debt of twenty millions. In twelve years the amount of interest will be $14,400,000, which, with the principal, will make the sum of $34,400,000, upwards of three millions more than if the money had been borrowed at eight per cent., being in fact an interest of nine and a half per cent. on the money actually received. Mr. S. said he had made this statement to show the unfavorable effect in the event of an ultimate redemption. With the person who loans the money, the principal object, besides security, is the amount of the annuity which he shall obtain. He looks not to any possible redemption, because it being discretionary with the Government it can form no ingredient in the contract. In the case supposed, the actual interest which the purchaser of stock under par receives for the money advanced is seven and a half per cent. only, while the market rate of interest is supposed to be eight per cent. In every possible case, where there is stock issued to a greater amount than the money advanced, and the interest to be paid is not much below the ordinary rate of interest, the result will be more or less injurious.

It has been said by the honorable chairman of the Committee of Ways and Means, that the power over the rate of interest vested in another part of this bill, goes as far as that contemplated by the 2d section, and having refused to limit the one we ought therefore not limit the other. In my opinion, this is a very great difference in their extent and effect. If the President should borrow at an interest unusually high—at the end of twelve years we may arrest the evil by discharging the principal. But if he sells stock for instance at fifty per cent. under par, even should he obtain a proportional reduction from the ordinary rate of interest, we cannot get clear of the encumbrance but by paying the full nominal amount. Besides, in cases of actual loans, the Executive will be restrained by the market price of money and by the sense of the country, which upon this subject is completely settled. But in sales of stock there is no practice—no standard to regulate it. Nor do I conceive it as a necessary consequence, that because one power is given every other should follow; there is a point where confidence must stop, or the very object of such a Government as ours is destroyed. The question before the House is, in point of principle, of infinite importance. The power in question is new—it has no precedent. It is of the deepest interest to the country. I put it to gentlemen, whether they are prepared to enter upon a system of finance which will rivet on the nation an unextinguishable debt, and lead us to ruin.

Mr. Sheffey's amendment was negatived, ayes 37, noes 72, as follows:

Yeas—Abijah Bigelow, Harmanus Bleecker, Adam Boyd, James Breckenridge, Elijah Brigham, Epaphroditus Champion, Martin Chittenden, Thomas B. Cooke, John Davenport, jr., William Ely, James Emott, Asa Fitch, Thomas R. Gold, Charles Goldsborough, Edwin Gray, Jacob Hufty, Richard Jackson, jr., Philip B. Key, Joseph Lewis, jr., Archibald McBryde, James Milnor, Jonathan O. Moseley, Joseph Pearson, Timothy Pitkin, jun., Elisha R. Potter, Josiah Quincy, John Randolph, Henry M. Ridgely, William Rodman, Thomas Sammons, Daniel Sheffey, Lewis B. Sturges, Benj'n Tallmadge, Uri Tracy, Laban Wheaton, Leonard White, and Thomas Wilson—37.

Nays—Willis Alston, jun., William Anderson, Stevenson Archer, Ezekiel Bacon, David Bard, Burwell Bassett, William W. Bibb, William Blackledge, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, Langdon Cheves, Jas. Cochran, John Clopton, Lewis Condict, William Crawford, Richard Cutts, Joseph Desha, Samuel Dinsmoor, Elias Earle, William Findley, James Fisk, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, John A. Harper, Aylett Hawes, John M. Hyneman, Richard M. Johnson, Joseph Kent, William R. King, Abner Lacock, Peter Little, William Lowndes, Aaron Lyle, Thomas Moore, William McCoy, Samuel McKee, Alexander McKim, Samuel L. Mitchill, James Morgan, Hugh Nelson, Thos. Newton, Stephen Ormsby, Israel Pickens, William Piper, James Pleasants, jr., William M. Richardson, Samuel Ringgold, Thomas B. Robertson, John Rhea, Jonathan Roberts, Ebenezer Sage, Lemuel Sawyer, John Sevier, Adam Seybert, Samuel Shaw, George Smith, John Smith, William Strong, John Taliaferro, Charles Turner, jr., Robert Whitehill, David R. Williams, William Widgery, Richard Winn, and Robert Wright—72.

Mr. Randolph moved to strike out the word "one-quarter" of the one per cent. proposed to be allowed to persons receiving subscriptions, and

making sales of the stock, with a view to inserting a smaller per centage.

Considerable discussion took place on this motion—Mr. RANDOLPH supporting, and Mr. CHEVES and Mr. BIBB opposing it. Mr. RANDOLPH inveighed against it as extending the patronage of the Treasury, and making a wasteful expenditure of the public money for a service which might well be done for less. Mr. CHEVES and Mr. BIBB quoted the law passed in 1801 or 1802, respecting a sinking fund, reported by Mr. RANDOLPH himself, as Chairman of the Financial Committee, which made just the same allowance: but, Mr. RANDOLPH contended that the cases were in nowise parallel, because the former applied to transactions in Europe, respecting the old debt of the United States, &c., in which a greater risk was incurred.

The motion was at length negatived by a large majority, and the bill was ordered to be engrossed for a third reading.

TUESDAY, January 26.

A message from the Senate informed the House that the Senate have passed a bill for the relief of Louis Chacherie; and they have also passed the joint resolution relative to the brilliant achievements of Captains Hull, Decatur, and Jones, with an amendment; in which bill and amendment they desire the concurrence of this House.

Mr. ARCHER, from the committee appointed on a Message of the President of the United States, transmitting an act of the State of Maryland, presented a bill authorizing the Secretary of the Treasury to subscribe for shares in the Chesapeake and Delaware Canal Company, in behalf of the United States; which was read twice, and committed to a Committee of the Whole on Friday next.

The House proceeded to consider the report of the Committee on the Naval Establishment, on the bill regulating pensions to persons on board private armed ships; and the amendments contained in the report were severally concurred in by the House. The bill was then further amended and ordered to be engrossed and read the third time to-morrow.

LOAN BILL.

The engrossed bill, authorizing a loan not exceeding sixteen millions of dollars, for the service of the year 1813, was read a third time as follows:

A bill authorizing a loan for a sum not exceeding Sixteen Millions of Dollars.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be and he is hereby authorized to borrow, on the credit of the United States, a sum not exceeding sixteen millions of dollars, to be applied, in addition to the moneys now in the Treasury, or which may be received from other sources, to defray any of the expenses which have been, or, during the present session of Congress, may be authorized by law, and for which appropriations have been, or, during the present session of Congress, may be made by law: *Provided,* That no engagement nor contract shall be entered into which shall preclude the United States from reimbursing any sum, or sums, thus borrowed, at any time after the expiration of twelve years from the first day of January next: *And it is hereby further declared,* That it shall be deemed a good execution of the said power to borrow, for the President of the United States to cause to be sold, the whole, or any part of the certificates of stock issued, for the sums to be borrowed by virtue of this act.

SEC. 2. *And be it further enacted,* That the President of the United States do cause to be laid before Congress, on the first Monday in February, 1814, or as soon thereafter as Congress may be in session, an account of all the moneys obtained by the sale of the certificates of stock by virtue of the power given him by the preceding section, together with a statement of the rate at which the same may have been sold.

SEC. 3. *And be it further enacted,* That the Secretary of the Treasury be and he is hereby authorized to employ, with approbation of the President of the United States, an agent, or agents, for the purpose of obtaining subscriptions to the loan authorized by this act, or of selling any part of the stock created by virtue thereof. A commission not exceeding one quarter of one per cent. on the amount thus sold, or for which subscriptions shall have been thus obtained, may, by the Secretary of the Treasury, be allowed to such agent, or agents, and a sum not exceeding forty thousand dollars, to be paid out of any moneys in the Treasury not otherwise appropriated, is hereby appropriated for paying the amount of such commission, or commissions, as may be thus allowed, and also for defraying the expenses of printing and issuing the subscription certificates, and certificates of stock, and other expenses incident to the receiving of subscriptions, and completing the loan authorized by this act.

SEC. 4. *And be it further enacted,* That so much of the funds constituting the annual appropriation of eight millions of dollars for the payment of the principal and interest of the public debt of the United States as may be wanted for that purpose, after satisfying the sums necessary for the payment of the interest, and such part of the principal of the said debt as the United States are now pledged annually to pay or reimburse, is hereby pledged and appropriated for the payment of the interest, and for the reimbursement of the principal of the stock which may be created by virtue of this act: it shall, accordingly, be the duty of the Commissioners of the Sinking Fund to cause to be applied and paid out of the said fund, yearly, such sum and sums as may be annually wanted to discharge the interest accruing on the said stock, and to reimburse the principal as the same shall become due, and may be discharged in conformity with the terms of the loan; and they are further authorized to apply, from time to time, such sum or sums out of the said fund, as they may think proper, towards redeeming by purchase, and at a price not above par, the principal of the said stock, or any part thereof. And the faith of the United States is hereby pledged to establish sufficient revenues for making up any deficiency that may hereafter take place in the funds hereby appropriated for paying the said interest, and principal sums, or any of them, in manner aforesaid.

SEC. 5. *And be it further enacted,* That it shall be lawful for any of the banks in the District of Colum-

bia to lend any part of the sum authorized to be borrowed by virtue of this act, anything in any of their charters of incorporation to the contrary notwithstanding.

The question having been stated on the passage of the bill—

Mr. Gold said: After the strong indications in the House of a disposition to pass the bill on your table, I would not, Mr. Speaker, trouble the House with any observations on the subject, did I not consider the course proposed as violating the vital principles of finance; as undermining public credit, and leading to a perpetuation of public debt.

At a time when the ability of the country to contribute to the public burdens is avowed by the chairman of the Committee of Ways and Means; when our resources are said to be abundant and unimpaired, a loan of twenty-one million is proposed, without any provision whatever for its certain redemption; no previous funds, no certain revenue in taxes, or otherwise, to meet even the interest on the loan, but all is rested on the future ability and disposition of the country to make good the public engagements. That this course, this resort to enormous loans, without any provision for securing even the interest, is in the face of every sound maxim of political economy, and must entail an oppressive debt on those to come after us, is most obvious; the effect is as certain as the laws of nature.

National credit and public debt are subjects of the first moment in the science of political economy. Public credit, well sustained, is a "mine of gold"—in peace useful, in war indispensable; it is with care and difficulty established; in the progress of Government, in all the emergencies of the State, constantly exposed to State necessities, to the projects of ambition, and the arts of popular leaders, who, fearing the effect upon the people, in arresting some favorite enterprise of war, throw the expenditures of the day from the shoulders of those who create them upon posterity.

The Governments of Europe furnish the most instructive lessons on the subject; in some, the above course has ended in national bankruptcy; in others, a process of accumulation of debt has gone on from generation to generation till it has borne down the nation, and become almost insupportable.

Such has been the downhill course, and so certain the issue, that Sinclair, in his Treatise on Finance, declares, that there is not a single Government, which has gone into this system of public credit and debt, that has ever been able to redeem itself.

In turning to the annals of our own Government, what has been the policy in relation to a public debt? Profiting by the errors of other Governments, it has been our fixed and unvarying policy to effect the extinguishment of the public debt in our days, and not leave it as an inheritance to those who may come after us. For this purpose, a sinking fund was resorted to, to insure an annual application of eight millions of dollars to the extinguishment of the existing debt; to place that sum beyond the reach of the current expenditure and exigencies of the Government, and make it, as it were, a sacred deposite for the object declared.

The operation of this policy on the public debt has, on the return of every annual Message of the President, and report from the Secretary of the Treasury, for the last ten years, been proclaimed in the highest strains of exultation from Georgia to Maine—it has been presented to the eye of the people, in a manner the most captivating, to make them contented with themselves, and satisfied with the Government. And now, sir, what is proposed? To abandon this high course; despair of an extinguishment of the public debt in our days, and follow in the humble, hateful, and reprobated course of those European Governments which have drawn bills on posterity, and perpetuated the public debt.

Shrinking with a kind of nervous sensibility from all contribution, by taxes or otherwise, to the expenditures which we ourselves create, we bind heavy burdens for the shoulders of the next generation.

In finance, the wisdom of man has never been able to discover any effectual security to public credit, short of certain funds or revenue pledged for the redemption, and sufficiently productive to pay at least the interest of the debt; if loans are resorted to, the interest of the loans. This is the doctrine of political economists, well supported by the history of finance. I read from Stewart on Political Economy:

"The foundation upon which public credit is built, is the existence of a sure and sufficient fund for performing the engagements contracted.

"The method, therefore, of borrowing money to the best advantage, is previously to establish a fund of credit."

"What I have said will, I hope, be sufficient to show that the only way for any State to borrow, is previously to provide a fund for making good what is agreed upon with the lenders; and that all expedients to supply the want of it will, in the end, bring great expense upon the people, in case public engagements should be held sacred," &c.

Guided by such lessons, and well knowing the situation of the finances of the United States, and the necessity of meeting the public burdens, the President of the United States, in his Message at the commencement of the last session, recommended to Congress to provide a revenue "sufficient at least to defray the ordinary expenses of Government, and to pay the interest on the public debt, including that on new loans, which may be authorized." In pursuance of this recommendation, the subject was brought before Congress at that session, and the Secretary of the Treasury, with a view to protect the credit of the country, did, in his report, or letter to the Committee of Ways and Means, express himself in the following strong language:

"Considerations of a different nature have on both these subjects produced a different result, which makes a resort to internal taxes now necessary, and will render loans more difficult to be obtained, and their terms

less favorable. It is still hoped, that the ordinary peace revenue of the United States will be sufficient to reimburse, within a reasonable period, the loans obtained during the war, and that neither perpetual and increasing public debt, nor a permanent system of ever-progressing taxation, shall be entailed on the nation. These evils cannot, however, be otherwise avoided, than by the speedy organization of a certain revenue. Delays in that respect, and reliance on indefinite loans to defray the war expenditure, the ordinary expenses of Government, and the interest on the loans themselves, would be equally unsafe and ruinous; would in a short time injure public credit, impair the national resources, and ultimately render much heavier and perpetual taxes absolutely necessary."

Here, sir, we have from the high officer who presides over the Treasury, in strong language, but no stronger than just, the ruinous consequences to public credit, the fatal tendency to perpetual public debt of the course now pursued; pursued, sir, with eyes open, in opposition to the highest authority, in the face of everything respectable in finance, and against the lights of all past experience.

But, sir, it is said we have had a windfall of five or six millions in duties, on the late importation of British goods. And is this drop, which is absorbed as quick as it falls, to satisfy the recommendation of the President, and the above report of the Secretary of the Treasury? Is this the "certain revenue," the specific funds, which shall in future time, and until a redemption takes place, defray the annual interest on the public loans, and ultimately insure the extinguishment of the debt? It is impossible not to see the subject in a true light; we cannot shut our eyes on the enormous expenditures we are daily incurring on account of the war—expenditures which, for the last and present year, are not only to consume the above sum, but, in addition, about fourteen millions, already borrowed, and twenty-one millions, for which bills are now before the House, for the ensuing campaign. You may add to all this, about two millions authorized to be borrowed by an act of the last session. If this unexpected receipt from British importations, which has been forced upon us, shall have mitigated the evils of delay to comply with the Secretary's report at the last session, the most imperious considerations forbid any longer delay; every motive urged in that report, at that time, now presses upon us with redoubled force, and all the consequences of further delay, so strongly placed before Congress on that occasion, stare us fully in the face; they cannot be avoided—they are inevitable.

But the honorable Chairman of the Committee of Ways and Means says, "Congress may hereafter provide funds at the present, or a future session." What, sir, go into market for a loan without your security; submit to the enhanced terms of the lender for defect of security; pay additional interest; pay the lender the risk he runs for want of previous funds for redemption, and superadd the funds, the security, after the loan is made! Lock the door after the steed is stolen! Strange infatuation! And wherefore this mad and disastrous course—a course so contrary to what the honorable Chairman declares to be his own sentiments? Let others give the answer, and find, if they can, any other cause than that which has blasted public credit in other Governments, and made the public debt perpetual. The people, as is said, are willing to go to war at any and every hazard and expense; patriotism burns from St. Lawrence to St. Mary's; but, sir, to tax, to pay, are things for other times; there is no such note in the tune to patriotism. Confining their labors and cares to their own times and themselves, these leaders in war and finance are content to run a race to the tune of "*The Devil take the hindmost.*" Those who come after us are to take care of themselves. The course proposed is no better, in the language of David Hume, than to give a prodigal son a letter of credit on every banker in London.

The bill, sir, contains no limitation as to the rate of interest on the loan, nor any guard against selling the stock, authorized to be created, at a reduced price; against giving three dollars of stock for two in money. Now, sir, although it may be indifferent to the lender whether he receives for his money an interest in terms of eight per cent., or an interest of four per cent., with a reduction in the stock that may be equivalent to the other four per cent.; yet to public credit, and the extinguishment of the public debt, the difference is all-important. The great security in finance against a perpetuation of debt is to pay, at least, the interest of the sum you borrow, so as to exclude the ruinous process of compound interest. Now, sir, you might, perhaps, raise sixteen millions by the sale of stock bearing no interest whatever, say thirty-five millions of stock, and in that way throw off, for twelve years, (the proposed period of the loan) all payment of interest or principal; and the effect is the same, in a less degree, if you sell stock bearing, to the eye, a small or low interest, but compensating the lender in a reduction on the principal; the inevitable result is, that, in obtaining an exemption from the annual payment of the full interest on the sum borrowed, you are subjected to all the weight and evil of compound interest, as the lender must and will insist on the sale of stock upon such terms as will give him, on closing the account at the end of twelve years, the period of the payment, a sum equal to the rate of interest, say seven or eight per cent., which he sets on his money. Knowing full well that there are no funds or sources of revenue to meet the interest on the proposed loans, this ingenious, unprecedented mean, is resorted to, of leaving it to the President, at his entire discretion, to effect the loan at such rate of interest and reduction in the sale of stock as he may deem proper or find necessary. For this double mean there is no precedent; and, indeed, I must protest against the resort to the loans under the first two Presidents as examples in any respect. At that period, the Government and the finances of the country were in their infancy; the capi-

tal of the country, the resource for the loan, nothing compared with the present; the necessity of the loan, as was the case of the principal one of twelve millions, in the year 1790, indispensable; for it was not a loan to meet expenses created by the Government, nor for the debt of the Revolutionary war, not a new debt, but the mere conversion of a subsisting one. At such a period, and under such circumstances, there might be reason for committing it to the discretion of the President, to make the best terms the situation of the country would permit; the reason does not apply on the present occasion, when the ability and credit of the country for loans are unquestionable, six per cent. stock being actually at par. There may be one benefit in the double mean proposed; the country may pay even eight per cent. interest without seeing it, and thus carry into effect the rule in finance, to draw money from the people insensibly, or without their feeling it. At a former period, such disguises were rejected, and the front and full face of public measures were presented to the people.

Under the operation of the proposed loan, the sinking fund, I perceive, is to be invaded, and the eight millions there placed, under the solemn faith of a legislative act, for the speedy extinction of the old debts of the war, is to be sacrificed, in part, to the necessities of the times. I am not prepared, sir, to say that the withdrawing of that part of the fund which was superadded under Mr. Jefferson's Administration, and not necessary to the discharge of the original contract with the public creditor, will, in strictness, violate the engagements of the Government; but, sir, I do contend, that the public faith and credit of the country are concerned in the diversion of any part of the eight millions from its declared object.

What, sir, was that declared object? what the very letter of the act of the 29th of April, 1802? That seven millions and three hundred thousand dollars, placed in the sinking fund by that act, should "be and continue appropriated until the 'whole of the present debt of the United States, 'and the loans which may be made for reim-'bursing or redeeming any parts, or instalments, 'of the principal of the said debt, shall be reim-'bursed and redeemed." This great and solemn provision for the speedy extinction of the public debt, one of the proudest trophies of Mr. Jefferson's Administration, which made the whole country frantic with joy in those days of jubilee, is, by the bill on your table, openly and directly violated, and all its fair fruits blasted and destroyed. Can your statute engagements be violated by the Legislature itself, without prejudice to public faith and the credit of the Government? Had a succeeding and different Administration or party have done this, it would have excited less astonishment; but here is a kind of infanticide. But, sir, it may be said of this boasted measure of finance that it answered its day, and its authors received their reward in the gratitude of an applauding and rewarding country. In looking back upon that inglorious period, it may be said with truth of this great measure for paying off the public debt, that it amounted to no more than a simple provision to apply any surplus revenue, not necessary for other purposes, to the payment of the debt; it amounted to nothing, nay, much worse than nothing. Notwithstanding the most prosperous period of commerce that followed, and an overflowing revenue arising under the impost system of the preceding Administration; and notwithstanding the doubling of the duties lately adopted, this generation is not destined to see the extinguishment of the public debt. Such, and so enormous is the expenditure of the present period, that three years more of war will fix upon the country a debt exceeding the whole debt of the Revolutionary war, as liquidated and found due at the close of the contest.

But the question is presented, can you withhold supplies for a war Constitutionally declared, or is there a moral obligation on Congress to provide the means of carrying on the war? While I readily admit the reason for withholding supplies should be strong, the right cannot, must not be relinquished, and it is eminently fit that this point should be settled, on the very first occasion, under the Constitution; that it should not remain in doubt, but be openly asserted, so as that it may be questioned and resisted by the authors of the war, if questionable. In the character and station of members of this House, as a part of the supreme Legislature of the Union, will be found the right and duty of giving or withholding supplies as every member shall, in his conscience, conceive will best promote the good of his country. We do not act a humble, subordinate, and ancillary part to any other department of Government, but as the Great Commons of the country, standing on the question of supplies, on the inherent and appropriate authority derived from the Constitution.

In Great Britain, where, by the Constitution, the Commons do not participate in the declaration of war, this right is exercised as often as occasion requires. Mr. Fox, in the important debates towards the close of the American war, maintained it; the Marquis of Rockingham, under whose auspices the peace took place, avowed and justified it. Nor is the right justified on the ground which has been assigned for it at times in this country, to wit: that as the British constitution does not permit a direct legislative interference with the question of war, it was right to assume it indirectly, and thus prevent the carrying on a war which was disapproved of; but on a ground that would apply, if every member had committed himself upon the Journals, in favor of the original declaration of war, to wit: that the public good, in consequence of subsequent events, forbade the further prosecution of it, though rightly commenced.

This right is greatly strengthened by the provision of the Constitution which prohibits the appropriation of moneys for the support of armies for a period exceeding two years, thereby intending to reserve to each and every successive Con-

gress a power over the supplies, to give or refuse as the situation and interests of the country might in their opinion justify.

There are among us those whose devotion to party is such as to deny to freemen in time of war the exercise of the liberty of speech and the press; hence, denunciations and scenes, which, in future history, will humble and disgrace the American character. It is eminently fit, in the first war under the Government, that it be known and proclaimed that the great rights of the Constitution are not suspended by war; the right of the citizens freely to canvass and animadvert upon the causes and conduct of the war and its authors; a right not denied even by monarchy to its subjects. Every enlightened friend to the Constitution will, as he loves his country, hold those slaves of power, who are thus set on to hunt down the liberty of speech, in the deepest abhorrence, as the deadliest enemies of the Constitution and free Government.

I cannot sit down without adverting to this disastrous and ill-fated war, which, after one campaign, after much suffering and waste of blood and treasure, has attained nothing in redress or honor for the country. Must the country be dragged on in this inglorious downhill course to ruin, or will the voice of peace, of wisdom, be heard? The principal cause of war (the Orders in Council) have ceased; the blockades have fallen; impressment alone remains. On impressment, sir, there is no American who can remain indifferent; no American heart but must be moved at the manner in which this claim of Great Britain has been exercised. But, sir, do you see the path of redress plain before you? Does it lie through Canada? Are you mitigating or swelling the tide of human misery by the course now pursued? Are years of bloody war, poisoning all our blessings and putting everything to hazard, to be encountered upon a most uncertain, dangerous experiment? If the territory, the independence or liberties of the country, were assailed; if the Corsican scourge of nations should attempt to bring the United States, with other subjected Governments, under his yoke, a very different question would be presented; it would place before the country a warfare worthy of freemen and heroes. A wise and just nation will not be content with a merely lawful cause of war; the object should be great, the necessity extreme, and redress morally certain. It is the language of *Vattel*, treating professedly of the great question of war, "It is only in extremities that a just and wise nation has a recourse to war. It is a dangerous and terrible resort." President Jefferson, in his Message to the 8th Congress, expresses himself in the following terms: "While we regret the miseries in which we see others involved, let us bow with gratitude to that kind Providence, which, inspiring with wisdom and moderation our late Legislative Councils, while placed under the urgency of the greatest wrongs, guarded us from hastily entering into the sanguinary contest, and left us only to look on and pity its ravages."

Peace, though suffering under the greatest wrongs, was, in the opinion of Mr. Jefferson, the dictate of wisdom. The same state of things, and all that is connected with the welfare of the country, remains; but new counsels have prevailed. But it is not now too late to return to the path we have lost; and let me solemnly exhort those who rule the destinies of the country to pause, look about them, and survey the nations of the earth. What do we see, sir? A state of the world that is not recorded in the history of centuries! The great deep of the moral world broken up! The long established Governments of the Old World convulsed to the centre, and the great society of man tossed from its foundation! Nations are bleeding at every pore! At such a period of the world, the United States have one single cause of war for which they have plunged into this sea of blood and abyss of misery, instead of bowing with gratitude to Heaven, in the language of Mr. Jefferson, for our singular exemption from the many other calamities that have overwhelmed nations. There is a consideration, which, above all things, ought to have arrested this resort to war. The imperfect union of these States is the vulnerable point of the great body politic. It is impossible to shut our eyes on the great dangers that threaten this Union—the unequal operation of the measures preliminary to war, and of the war itself on different sections of the Union; the single fact, that the authors of the war are those least interested in its cause, and the parts most affected by that cause are most opposed to the war, have produced heart-burnings and animosities not to be cured by a continuance of the war. No man can foresee the perilous issue; those who kindle the fire cannot always control the element and stay its ravages.

The great calamities of this war exceed a hundred fold the complaint or cause of this war; the object of the war, compared with its price, dwindles into insignificance. Holding, as I do, this Union to be the sheet-anchor of our political safety, I cannot consent to yield my support to any measure which shall jeopardize the Union.

Mr. PITKIN said, that independent of the object for which the money was to be raised by this bill, he was opposed to it:—

1st. Because the rate of interest was not limited.

2d. That the President was authorized to sell stock at such a price as he might think proper.

3d. Because no funds were provided for the payment, either of the interest or principal, of the money to be borrowed.

In answer to the first objection, the advocates of the bill say, that it is justified by the precedents under former Administrations. That acts were passed authorizing President Washington and President Adams to borrow money, and without any restriction as to the rate of interest.

With respect to the act passed under the Administration of General Washington, the nature of the transaction necessarily limited the rate of interest, so that there was scarcely a possibility of an abuse of power. What, sir, was the object of that law? Merely to enable the

President to effect an entire alteration, if he should think proper, of the foreign debt—and for this purpose he was authorized to borrow a large sum of money. The foreign debt drew an interest of only four and a half, or five per cent.; but a small part of the principal was then due, and there was no danger that a much higher rate of interest would be given in order to exchange this debt.

The precedents, therefore, which can be justly considered, as at all applicable to the present bill, are those which were established during the Administration of President Adams. Laws were then passed authorizing the President to borrow money, without any limitation as to the rate of interest, and under which the famous *eight per cent. loan* was obtained. No act of that Administration was or has been a subject of more universal clamor, or greater obloquy, than the eight per cent. loan, obtained under those laws. But now gentlemen seem willing to shelter themselves under a precedent, which has hitherto been a subject of their execration.

It is said, however, that the complaints were not against the law itself, but against the improper execution of it; that those who were intrusted with this unlimited power abused it in giving eight per cent. when it was unnecessary, and before they attempted to obtain the loan at a less rate of interest. I meet the gentlemen, then, sir, on their own ground. They say, this unlimited power was then abused, to the great injury of the public. May it not again be abused? Is it not, sir, one of the best of reasons against intrusting any man with large and extensive powers, that those powers have been, and in all probability may and will again be abused? Why, sir, has the Constitution, under which we now act, limited the power of Congress itself in certain cases? Why was it said, that treason shall only consist in levying war against the United States, or in adhering to their enemies, and that the privilege of the writ of *habeas corpus* should not be suspended, unless in cases of rebellion or invasion?

The second objection to the bill is, that the President, in order to raise the money, may sell the certificates of stock at such price as he may think proper. It is not pretended, sir, by the advocates of the bill, that this power is justified by any former precedents. It stands then, in this respect, on its own intrinsic merit.

What, sir, is the extent of this power? It is nothing more or less than this, that the President, or rather the Secretary of the Treasury, may go into market with our notes, to the amount of $16,000,000, and, by the aid of a broker, sell them at a discount of ten, fifteen, twenty per cent., or any discount he may think proper.

But, Mr. Speaker, the rate of interest to be given for this large loan, or the discount, at which it may be obtained by the sale of stock, must depend on the funds which you pledge, and on the security which is offered for the payment of the interest and principal of the sums obtained.

Public credit, sir, is a subject of a delicate nature; it is of too much importance to be trifled with. To preserve it unimpaired, is the first duty of legislators, and on this subject no principle is better established than this: That at the time of the loan itself, permanent funds should be provided, and inviolably pledged, for the punctual payment of the interest, and the ultimate reimbursement of the principal. What funds are provided by this bill? None in reality. The third section indeed says, "That so much of the 'funds constituting the annual appropriation of '$8,000,000 for the payment of the principal and 'interest of the public debt of the United States as 'may be wanted for that purpose, after satisfying the sums necessary for the payment of the 'interest, and such part of the principal of the 'said debt, as the United States are now annually to pay and reimburse, is hereby pledged 'and appropriated for the payment of the interest 'and for the reimbursement of the principal of 'the stock, which may be created by virtue of 'this act." But, sir, from what source is this $8,000,000, which is thus appropriated for the payment of the public debt, to be obtained? Why, sir, from duties on imposts and tonnage, and from the sales of public lands. And, by law, it is made the duty of the Secretary of the Treasury, every year, first to pay to the Commissioners of the Sinking Fund, as they are called, this sum of $8,000,000 from these duties, (after reserving six hundred thousand for the civil list,) and from the sales of public lands. But, sir, if the money does not come into the Treasury from these sources, it is impossible for the Secretary to pay it to these Commissioners.

The Secretary, sir, has told us, in his annual financial report, that the duties on imposts and tonnage (although doubled) will not amount to more than $5,000,000, which will become payable in 1814, and the avails of lands sold, not more than about $500,000; deducting then the civil list, there will remain but about five millions in the Treasury from these sources for that year. The residue can be supplied only by loans or other taxes. It will be observed, however, sir, that out of this pretended fund of eight millions, there must first be paid and satisfied "the sums 'necessary for the payment of the interest, and 'such part of the principal of the said debt, as 'the United States are now pledged annually to 'pay, or reimburse," before any part can be applied to the payment of the debt to be incurred by this bill. And, sir, the sums, which the United States are now pledged to pay out of this fund, are more than the whole amount which, according to the calculation of the Secretary, will come into the Treasury from duties in 1814, and will exceed the eight millions. What, sir, are the present charges on this fund? They are:

1. Interest and reimbursement of old debt	$3,800,000
2. Interest on the loan of 1812, exclusive of treasury notes—loan, say ten millions	600,000
3. Reimbursement of the principal of part of the loan of 1812, payable by special contract in 1814	750,000

4. Treasury notes authorized in 1812, but which were either not issued in that year, or if issued, may become payable in 1814	2,500,000
5. A sum to be applied by the Commissioners of the Sinking Fund, when stock is below par, say	500,000
Total	$8,150,000

Charges to be made on this sum, during the present session are—

1. Treasury notes to be issued in 1813, payable in 1814	5,000,000
2. Interest on the whole sum borrowed or obtained in 1813, including treasury notes, being 23 millions of public debt, payable in 1814, at six per cent	1,380,000
Aggregate	$14,530,000

The pledge, therefore, held out by this bill, to the money-lender, is a mere pretence, without any foundation. The interest of the present loan can, therefore, only be paid in 1814 by new loans, unless some further provision is made; and I know, sir, that no new taxes are to be laid during the present session. I need not ask, sir, how long public credit can be supported, when new loans must be resorted to, to pay the interest of old ones. The importance of supporting public credit arises, also, from another circumstance. The Secretary of the Treasury, as well as the Committee of Ways and Means, have informed us, that we are to rely solely on loans, to defray all the expenses of the present war; and during the last session, they urged it as indispensably necessary, to make ample provision for paying the interest of these loans. This, however, was not then done, nor is it to be done during the present session.

Under these circumstances, what, sir, will the money-lenders say to you, when you ask them for a loan of more than twenty millions of dollars? Will they not say, if you will not or dare not lay taxes, or make provision for the interest at the time of the loan, and when you are under the necessity of obtaining the money, can we expect you will do so after you have got the money in your own hands? Depend upon it, sir, the capitalists will speculate upon you, and make you pay for every risk. They will also take into consideration the probable amount of the debt which may be incurred in the prosecution of the war. During the last session, the calculation of the Committee of Ways and Means was, that the expenses of the war might be ten millions a year—making, in five years, fifty millions. Experience has proved the fallacy of such calculations.

During the last year, we borrowed from twelve to fourteen millions; and the sums necessary to be procured on loan for the service of the year 1813, cannot be less than twenty-three millions, including Treasury notes—making, for two years, the sum of thirty-five millions.

The whole expense of the present year, as stated by the Chairman of the Committee of Ways and Means, will be thirty-six millions of dollars. About twelve millions of this is to be paid from the duties on imports of the last year. The amount of the duties which will accrue on importations during the present year, and become payable in 1814, the Secretary estimates at only five millions. If, then, the expenses of 1814 are equal to those of the present year, and no other provision is made, the sum to be borrowed during the next year must be $31,000,000

And, with the same expense in the year 1815, must be	31,000,000
And in the year 1816 must be	31,000,000
Allowing for contingencies	2,000,000
Making, in five years, a debt of	$130,000,000

A sum nearly equal to the whole expense of the Revolutionary war, and about double the amount of the debt due at the close of that war.

It appears, from official estimates made in the year 1790, that the whole expenses of the last war were	$135,193,703
That, in the year 1783, the amount of the debt of the United States was	42,000,375
And of the State debts, which were assumed by the United States	21,500,000
Making, in 1783, about	$63,500,375

The residue of the expense of the war was paid by taxes. This debt, it is well known, for some years lay unprovided for, and was at last funded in terms different from the original contract; and about thirty-three millions of it remains unpaid to the present day. The funding of this debt, sir, ruined the popularity of one Administration, and who will say, that the funding of a debt of double this amount, may not also, at a future period, jeopardize the popularity of another?

During the last session, Mr. Speaker, the Committee of Ways and Means, for the support of public credit during the war, reported a system of taxation. This system contemplated laying a direct tax, sundry internal taxes, and an increase of the then existing duties on imports 100 per cent. These taxes were then denominated *war taxes*. They were proposed as one entire system, and were calculated to equalize the burdens upon every class of the community. It will be recollected, sir, that no part of this system was adopted, but that of doubling the duties on imports. This, sir, as I then stated to the House, makes the burden of taxes fall very unequally on different sections of the United States. Permit me again to call the attention of the House to this subject.

In consequence, sir, of the increasing population of the interior of the country, the duties on imports, and particularly the high duties on particular articles, fall much heavier on the inhabitants along the seaboard than those living in the interior. To prove this, sir, suffer me to mention the duties collected on spirits imported. These are paid (and particularly on rum) almost wholly by the Northern and Eastern States. It is a fact, sir, that the duties on imported spirits alone, collected from 1792 to 1810 inclusive, have

amounted to one-fifth of all the duties collected on all articles imported during that time. The whole amount of duties received, from 1792 to 1810, was $179,862,044; and, of this sum, spirits alone paid $35,849,173.

Not more than one-third of the people of the United States, at present, pay any part of the duties on spirits. The quantity consumed in the United States is now about thirty millions of gallons annually. Of this quantity, more than twenty millions, as appears by the returns of the marshals in 1810, are distilled in the United States, from domestic materials, and on which no duty is laid. While, therefore, the people at the North and East are now paying sixty cents per gallon, on a great proportion of the spirits they consume, those at the South and West are paying nothing on their consumption of spirits. Nay, sir, they can purchase them for a sum much less per gallon, than the people of the East are now paying into the public Treasury, for the purpose of carrying on this war. And, sir, I will venture to predict that these enormous taxes are to be perpetuated, for the purpose of paying the loans to be obtained by this bill. This, sir, is an inequality, to which we cannot expect that the people at the East will long submit; nay, sir, to which they ought not to submit with patience.

The question was then taken on the passage of the bill, and decided in the affirmative—yeas 75, nays 38, as follows:

YEAS—Willis Alston, jr., William Anderson, Stevenson Archer, Daniel Avery, Ezekiel Bacon, David Bard, Burwell Bassett, William W. Bibb, William Blackledge, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, Francis Carr, Langdon Cheves, James Cochran, John Clopton, Lewis Condict, William Crawford, Richard Cutts, Roger Davis, John Dawson, Joseph Desha, Samuel Dinsmoor, Elias Earle, William Findley, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, John A. Harper, Aylett Hawes, John M. Hyneman, Richard M. Johnson, Joseph Kent, William R. King, Abner Lacock, Peter Little, Aaron Lyle, Thomas Moore, William McCoy, Alexander McKim, Samuel L. Mitchill, James Morgan, Jeremiah Morrow, Hugh Nelson, Anthony New, Thomas Newton, Stephen Ormsby, Israel Pickens, William Piper, James Pleasants, jun., Benjamin Pond, Samuel Ringgold, Thomas B. Robertson, John Rhea, Jonathan Roberts, Ebenezer Sage, Lemuel Sawyer, John Sevier, Adam Seybert, Samuel Shaw, George Smith, John Smith, Silas Stow, Wm. Strong, John Taliaferro, George M. Troup, Charles Turner, junior, Robert Whitehill, William Widgery, and Robert Wright.

NAYS—John Baker, Abijah Bigelow, Harmanus Bleecker, Adam Boyd, James Breckenridge, Elijah Brigham, Epaphroditus Champion, Martin Chittenden, Thomas B. Cooke, John Davenport, junior, William Ely, James Emott, Asa Fitch, Thomas R. Gold, Chas. Goldsborough, Edwin Gray, Jacob Hufty, R. Jackson, jr., J. Lewis, jr., Archibald McBryde, James Milnor, Jonathan O. Moseley, Timothy Pitkin, junior, Elisha R. Potter, Josiah Quincy, John Randolph, William Reed, Henry M. Ridgely, Thomas Sammons, Daniel Sheffey, Philip Stuart, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Peleg Tallman, Laban Wheaton, Leonard White, and Thomas Wilson.

So the bill was passed.

TREASURY NOTES.

On motion of Mr. CHEVES, the House resolved itself into a Committee of the Whole on the bill reported by the Committee of Ways and Means authorizing the issuing of Treasury notes for the service of the year 1813.

[The bill authorizes the President of the United States to cause to be issued Treasury notes to the amount of five millions of dollars, and also, if he shall deem it expedient, to issue a further amount, not exceeding five millions of dollars, provided the amount issued under the latter provision shall be deemed and held to be in part of the loan of sixteen millions of dollars authorized by the bill passed this day. The notes to bear interest at the rate of five and two-fifths per cent. per annum, to be redeemed one year after the day on which they are respectively issued.]

The bill having been read through by sections, and no objection having been made thereto, the Committee rose and reported it.

The bill was ordered to be engrossed for a third reading without division; and then the House adjourned.

WEDNESDAY, January 27.

The bill from the Senate "for the relief of Lewis Chacherie" was read twice, and committed to the Committee of Claims.

The amendment of the Senate to the resolution relative to the brilliant achievements of Captains Hull, Decatur, and Jones, was read, and concurred in by the House.

An engrossed bill regulating pensions to persons on board private armed ships, was read the third time, and passed.

TREASURY NOTES.

The engrossed bill authorizing the issuing of Treasury notes for the year 1813, was read a third time.

Mr. POTTER said, he knew very well that the Government wanted money and must have it; and if they would not get it at one price they would at another; but he thought it much better to add the sum contemplated to be raised by the bill, to the loan bill, or to create six per cent. stock, and whenever the money was like to be wanted, to give notice a reasonable time, and sell it for what it would bring; in that way the Government would get the highest price for it, and every person who had money and wished to invest it in public stock, would have an equal opportunity to do it. The Government would neither have to lose the interest on their notes, nor pay interest for money until it was wanted. Mr. P. said he was opposed to issuing Treasury notes, because it was creating a new system of patronage and favoritism in the Treasury Department, already too great. As these notes are not to draw an interest of eight per cent., they may be negotiated in such a manner as to give the person who may take them some other advantages as an

equivalent, as it is not pretended that the money can be got for six per cent on the stock sold for par; if it is, why give the power in the loan bill, to sell the stock under par, and to give more than six per cent. interest? As those notes had been principally negotiated with the banks the last year, it was to be presumed they would be this; a bank therefore that takes a million of dollars in those notes, and gives the United States credit for that sum, and it is to remain in deposite for their use, not under any particular agreement as for the time it shall remain with them, but with a well grounded expectation that it will not be wanted for some time; if it should remain there six months, and then should all be drawn for at once, which is not very common, the Government will have to pay the interest for a year, when they have had the money only six months. If the money should not be wanted, and it should remain in deposite, undrawn for during the year, (which is not at all improbable) the Government are then paid with their own notes, with their paying a year's interest on the million of dollars, without having used any of the money; and in this way those notes will operate more or less in favor of the favorite bank, without much benefit to this Government.

Mr. P. said, by examining the report from the Treasury Department, he found those notes were negotiated with the banks where the public money is deposited. He said it might be answered, that if the money was borrowed, it would be deposited in those banks; and they would derive the same advantage as from those notes, and the Government derive no advantage from the money deposited. He said that was not the fact; as a bank that would risk to lend an hundred thousand dollars in cash, and immediately advance the money, would risk to lend a million of dollars and take those notes and give the United States credit to that amount; and in this respect it gave banks a very great advantage over individuals who should be disposed to lend their money to the Government, and over the Government likewise; for, if the Government hired money, although it might be paid into those banks, it would be paid in by instalments as it was wanted. The United States would not be obliged to pay interest until the money was actually paid in, nor the lender entitled to the interest until he had advanced the principal. Mr. P. said, he knew very well the advantages that those banks derived from the Government for their deposites, and he believed that during the last year the deposites of public money was nearly equal to the whole amount of Treasury notes issued. That he had on a former occasion introduced a resolution to authorize and direct the Secretary of the Treasury to deposite the money belonging to the United States in such banks as would give the most for that privilege; but the resolution was referred to a committee, and that was the last he heard of it. He said, in looking at the report from the Treasury Department, of the money borrowed the last year, he found that the three banks in the State he represented, and in which the money belonging to the Government of the United States collected or borrowed in that State were deposited, had loaned to the Government eighty thousand dollars for six per cent. stock. He said he believed that those banks had at all times that sum and frequently much more of the Government money in their vaults; the consequence was, if the fact was correct, that the Government was paying those banks an actual interest on that amount for their own money.

Mr. P. said, his object had been to show that if the bill was passed, it would extend the patronage of the Treasury Department, already too extensive, to certain banks, and enable it to give them privileges not enjoyed by other banks, or by individuals. They had already been sufficiently favored by deposites in money, which had enabled them to increase their discounts and dividends, and in this way to receive an interest on the money of the Government; and if instead of money they are to keep the amount of the Government deposites in those Treasury notes, they must curtail their discounts to individuals, and the Government will have to pay them an interest on their own notes representing their own money; and those banks must derive an immense advantage the ensuing year, as they will have deposited in them sixteen millions to be raised by loan, five millions supposed to be received by the revenue by double duties, with the money now in deposite—making, in the whole, nearly forty millions.

Mr. P. said, if it was at any time asked, why the people could not be permitted to pay a part of this enormous expense, and why the Government should not wish to mortgage their estates for so large a debt, a part of which they were willing to pay, and at an interest, including expenses, of perhaps ten or twelve per cent., the answer is, that the minority want the Government to tax the people, and thus to make the Administration and ruling party unpopular. Mr. P. said, that it was not a fact, as it respected him. It would cost his constituents too much: it was paying more for their popularity than it was worth. He said he voted for the loan the last year, although he did not vote for any of the expenses, in hopes that it would supersede the necessity of imposing upon the people the most odious and burdensome system of taxation ever imposed in this country, containing among them a shop tax, that never could be enforced in England; and as it respected himself he could truly say, he would not, by any act of his, have brought those taxes, reported by the Committee, upon his constituents, or voted for any measures that even would have brought upon them their Constitutional proportion of this year's expenses, amounting at least to four hundred thousand dollars, (and this is allowing the expenses for this year at only thirty-six millions of dollars,) if it would have put into his power to displace every officer in the Government, from the President to the tide waiter, and to put whom he pleased in their places; that it was of little importance to him who administered the Government of this country; his

only object was to have an economical administration—one that would give to the nation peace as soon as possible, and use their best exertions to continue it, and give them all the commerce that the present state of the world was capable of affording; with such an administration he should be perfectly satisfied.

Mr. P. said he had been in hopes, when all the precedents of former times of Executive patronage and favoritism had been exhausted, that we should have been satisfied without resorting to new inventions, having that effect; but in this he had been disappointed.

Mr. P. said, he was in Congress at the commencement of Mr. Adams's Administration. Energy was said then to be the order of the day. The majority were then in favor of an army, a navy, war loans, taxes, salaries, and patronage; they were then opposed by a powerful minority, composed of such men as Mr. John Nicholas, and the late Mr. Venable, of Virginia, and a gentleman now a member of this House, Mr. MACON, who were then the friends of peace and economy, and, in debate and by their votes, opposed to army, navy, loan and tax bills, to high salaries, Executive patronage, and for restraining and confining appropriations to the particular purposes for which they were made. He said those principles accorded very much with his own views and feelings. Finding himself very unpleasantly situated, as is commonly the case with those who in party times cannot go all lengths on either side—for, although he approved of some of the measures of the Administration, he was obliged to vote against many of them; he did not wish to vote against the opinion of his constituents, nor could he vote against his own judgment. In this situation he thought, instead of choosing between the two evils, that he would avoid them both, and resigned place.

What, said Mr. P., had since taken place? The people were honestly opposed to the measures of that Administration, and in a Constitutional manner removed them from office and from their confidence, and put in those composed of the then opposition, professing principles more congenial to their own; but they honestly thought they had been contending for principle, and that it was measures and not men that they had been condemning—for, if they were doomed to oppression, it would be no consolation to have their burdens increased by other men. What, said Mr. P., do we now see, and what must we soon expect to feel? We find the times are changed, and we are changed in them. Let us for a moment examine our present situation under the present Administration, compared with the one displaced by the people for their extravagances. We now hear the same doctrines from the present Administration as from the former. They want an energetic Government; they talk of large standing armies, ships, war loans, taxes, salaries, and patronage; and instead of the skeleton of an army of five thousand men, they have the skeleton of an army of fifty-five thousand men, enlisted for different periods. Instead of frigates, they are not satisfied with building new frigates, but must have ships-of-the-line.

Instead of a loan for five millions of dollars, they have passed laws within a year, including the one under consideration, for upwards of thirty-five millions of dollars. Instead of reducing the debt, it was increased last year ten millions six hundred thousand dollars, and, in all probability, will be increased more than double that sum this year.

Instead of reducing the salaries of the War and Navy Departments, to the sums they were before they were raised by a temporary law of a former Administration, which then caused much dissatisfaction with the people, that law, he believed, had been made permanent, and bills are now reported to raise them above the sum to which they were raised before.

Mr. P. here observed, if it could have been possible for him to have been absent out of the country since his resignation, without hearing or knowing anything about the state of parties in this country, and could so have come into this House and have examined the army, navy, loan, and tax bills, and those for raising the salaries of the Secretaries of the War and Navy Departments, he should have thought that the same party was now in power; that Mr. Adams was in the White House; that he had by some means contrived to silence the murmurs and complaints of the people and to put down all opposition; and that they had regularly progressed, in many of their measures, from bad to worse ever since.

Mr. P. said, he had often heard it unjustly observed to be a Federal doctrine, that a national debt was not only a bond of union but a very great national blessing. He said if that principle was correct, we shall have nothing to apprehend or even in the least to alarm our fears about a separation or a dissolution of the Union; and the time was not far distant when, in proportion to the time we had existed as a nation and our ability to pay, we should be able to vie with any nation on earth in that kind of happiness.

Mr. CHEVES said that, in the argument he should offer to the House, he should embrace the loan bill passed to a third reading yesterday, as well as the bill now before the House. The bills had originated together; they had been acted upon together; they had an immediate connexion; and, having been accidentally prevented yesterday from replying to the gentlemen from New York and Connecticut, (Messrs. GOLD and PITKIN,) he should, perhaps, now advert to their arguments.

I will first notice, said he, the argument we have just heard on the bill before you. An objection is raised to the particular mode of raising money, which is now submitted to your consideration. The honorable gentleman from Rhode Island (Mr. POTTER) says, he would infinitely prefer a direct loan to this measure. His reason is, that if the Government borrow money by this mode, the consequence will be, that the money will be deposited in banks, and they, receiving interest on their notes, will also have the use of

the money, and therefore a loan is; in his opinion, preferable. If the United States create stock to-morrow, and receive money for it from the banks, will not the money be deposited in the banks, and will not the holders of the stock have the interest, and the banks at the same time have the benefit of the deposites and carry on a system of banking upon them? They certainly will. Where, then, is the distinction attempted to be drawn? There is absolutely none. Further, the receipts from lands, from imposts, from internal taxes, if they existed, would all be deposited in banks, and the banks would discount on these deposites. The paper now proposed to be issued is not so exceptionable in this respect as a loan. From the peculiar nature of this paper, it may be used as the exigencies of Government require, and the banks do not become purchasers, until it is necessary for the exigencies of Government that the paper should be issued. It is different with a loan, and the evil of which the gentleman speaks exists in a less degree with this species of paper than with the other. The argument against this bill now is exactly that which was pressed with so much force last year by the gentleman from Virginia, (Mr. RANDOLPH;) but the argument is founded on a mistake in point of fact; and the fact, as conceived, is misapplied in argument.

Another argument of the gentleman was, that public credit is affected by relying on loans, instead of the imposition of taxes or the acquisition of revenue in other modes. That argument comes under the general considerations which I propose to submit to you. The general principle of relying on loans has been the subject of attack on all hands. An honorable gentleman from New York, (Mr. GOLD,) yesterday, commenced an animated speech to prove the great value of public credit. To prove this, he resorted to a writer of great celebrity on public economy; and also referred to the President's Message, and to the report of the Secretary of the Treasury. It was not necessary to go far to prove what is universally admitted. Why should the gentleman labor to prove what no one denies? I admit that public credit is infinitely valuable; it gives more than the mines of Peru and Mexico, without the labor of digging them. But look at the argument of the gentleman. We may have bread, but must not eat; to preserve our credit, we must not use it.

The principle on which the Government sat out in the war was, that there should be a sufficient fixed revenue to pay the annual interest of the old debt, and on the new loans. If it be proved that that object is already accomplished for the present year, then has there been no failure on the part of the Government. I will grant, perhaps, to the honorable gentleman that it might have been better to anticipate a little; to take "a bond of fate, and make assurance doubly sure." But I contend, that there has been, so far, no failure. And has it not been stated, and repeatedly stated, that it is the duty of the Government, and no doubt its intention—that it is the duty and, no doubt, the intention of the Legislature to provide the necessary means, for future years, for paying the interest of the public debt? But the honorable gentlemen say, we should not delay for a moment the execution of this purpose; that we should provide revenue in anticipation. Admitting the general proposition, is there anything which calls for a proceeding of this sort before the authorization of a loan? The year 1813 has already been provided for; and for 1814, provision may be made at the present session; and, if not at this session, by an anticipation of the usual time of the sitting of Congress. If it be not provided, there will be, on the part of the Government, an omission of duty. I do not imagine, sir, that the persons who manage this concern will be guilty of a negligence so culpable as not to provide the means, in due season, for the next year. One measure alone would supply the means for the present and next year—permitting the return of the property of our merchants from Great Britain. If the Legislature resort to this mode, the object of providing the revenue may be accomplished in a short time. Why should gentlemen be alarmed for the public credit, when there is so little apparent cause for alarm? Why should they suspect men, who have heretofore so amply provided for it, of a failure to do so in future?

But honorable gentlemen have said that there should be a sinking fund to secure the repayment of the public debt according to the contract of the Government, and that it has not been provided, according to the usual practice of well-regulated Governments. This I deny. What is the argument of the gentleman from Connecticut, (Mr. PITKIN?) He endeavors to prove, by a particular detail which he entered into, that there will be imposed on the sinking fund for 1814, thirteen millions and three hundred thousand dollars. This I deny. The sinking fund is the application, under the pledge of the Government, of a certain sum for the sinking of so much debt, and paying so much interest as that sinking fund is capable of effecting. Our sinking fund is eight millions. I ask the honorable gentleman whether, in the only instance which he has in his argument examined of a sinking fund—I mean the English—it be not encumbered every day with an addition of a new debt? Every new debt created becomes an encumbrance on the sinking fund. It may be said, that one per cent. is added to it on the amount of every new debt created. But, sir, our sinking fund bears a greater proportion to any new debt which can be created throughout the war, than the English sinking fund does to their debt. The competency of the sinking fund, therefore, as far as we look to example, is found to be at least equal to that of England. The error of the gentleman is this: that the sum chargeable on the current expenses of the year he puts upon the sinking fund, with which it has nothing to do. Suppose the Government issue ten millions instead of five millions of Treasury notes, the sinking fund must, according to his ideas, be eighteen millions. And suppose, again, that the Govern-

ment, instead of obtaining a loan for twelve years, should effect a temporary loan, for one year, of five millions; the sinking fund would then be twenty-three millions. The error is in charging upon the sinking fund what is properly chargeable on the ways and means of the year.

The honorable gentlemen differ, however. The honorable gentleman from New York admits, and I doubt not correctly, that if a nation like this shall provide for the payment of the interest of the national debt, and not allow an accumulation of interest and compound interest, the expenses of the war may be defrayed by loans, and its credit may be supported. But the gentleman from Connecticut contends that it is necessary to the support of public credit that during the continuance of war we should pay the expenses of the war to a considerable extent by a revenue raised upon the people within the year. In support of this position he cites the example of the Revolutionary war; and it appears to me that the gentleman was singularly unfortunate in this reference. During the present year we have already secured twelve millions of revenue. There are three millions in the Treasury, making together fifteen millions; and I might defy the gentleman to prove, by anything like accurate calculation, that so much as fifteen millions of revenue raised upon the people accrued to the public treasury during the whole period of the Revolutionary war. I am acquainted with no historical fact to prove that during the whole Revolutionary war fifteen millions were raised on the people. Say that I am wrong as to the precise amount; say that twenty millions were raised, if you please. The revenue during the last and present year will exceed anything that could be supposed to have been received during the whole Revolutionary war. The gentleman I suppose makes out his calculation thus: It has been calculated, he says, that the Revolutionary war cost a hundred and thirty-five millions. Of these there remained payable at the close of the war, sixty-three millions. Therefore, he conceives the difference between the two must have been raised by taxation during the war; I answer that the fact is not so. I ask the gentleman to turn to a historical fact and refute that complaint which runs through the whole history of the war, of the incompetency of the Government thus to raise the sum necessary to the prosecution of the war. How the sum of one hundred and thirty-five millions was made out I am unable at this moment with confidence to say; but I suppose by an arbitrary calculation of the value of bills of credit, of which probably not one-third was funded at all; because the holders of the bills did not think it worth their while to bring them in; they are found now all over the United States in bundles. Every heir finds them in the bottoms of old trunks, and in the garrets of his progenitors. Thus this calculation of the cost of the war must have been founded; and, according to this mode of calculation, I dare say it might be made out to have cost much more. It is not, therefore, proved that the difference stated was raised by the United States. There were no impositions laid by Congress itself. The debt of the General Government at the close of the war amounted to forty-two or forty-three millions—the debt arbitrarily assumed as due to the States was twenty-one and a half millions. How was that sum made up? By the amount of contributions of every description made by the States. That sum more than embraced the whole contributions of the States—because some of it was interest. In any possible view the comparison of the revenue of the Revolutionary Government with that of the present is injurious to the argument of the gentleman. It is no proof that any considerable sum expended in the war was raised during the war.

In fine, sir, a basis of credit now exists which ought to be perfectly satisfactory to every man in the nation when taken in connexion with the religiously good faith with which the public credit has been maintained. A basis is established which none but the most incorrigible sceptic I think would doubt. It is indeed incumbent on the Government to provide a revenue for 1814, and they will be guilty of a dereliction of duty if they do not provide it. But that dereliction of duty has not yet taken place; the accusation, therefore, is premature and unfounded.

The next question is, the practicability of the loan—and here gentlemen admit that there is sufficient capital in the country to supply the wants of the Government, and that the value of money does not exceed six per centum. The honorable gentlemen say, that if a higher interest be given by Government for the money, it will be because the public credit has not been sufficiently secured. But I contend, sir, if the value of money be no more than six per cent. that it will not be because of the defect of security that the Government will have to give more—it will be on account of the confidence given to the recondite calculations of the gentleman from Connecticut, and the fears excited by the rhetorical spectres of the gentleman from New York; it is these fearful predictions and these erroneous calculations of gentlemen, and these only, that can shake the confidence of the moneyed men in the security of the Government. I do not here allude, sir, to what I consider a slander on gentlemen who are opposed to the loan, the assertions in the public prints, that efforts are used to destroy the credit of the Government and defeat the loan. I will not suppose it to be true. Such conduct would be too weak, too wicked, too treasonable, I had almost said, to be believed of any respectable portion of our citizens. Nothing but the honest fears of the people, excited by the arguments of gentlemen here, will prevent them from loaning money to Government on advantageous terms. It will not be for gentlemen hereafter, if the Government should be driven to give more than six per cent. for money, to complain of that which is the consequence of their own imprudence in exciting false alarms. Notwithstanding the like statements, arguments, and predictions of gentlemen about the public debt,

the loan for the last year has been obtained, and that wanted for the present year will be obtained in like manner, I trust, at the lowest just rate of interest.

The particulars of the loan bill present the next and last view of the subject. The gentlemen have argued over and over again the question relative to limiting the interest to be given for the loan. The gentleman from Connecticut said there were no examples of such unlimited power. It is painful for me, sir, to repeat arguments I have already urged. The first loan ever authorized by the Government is an example. What was the motive for allowing the Government then to give an indefinite interest? Was it a moment of difficulty? Was the enemy at your gates? Was he in the mouths of your harbors, or on the frontiers? No; the Government was in profound peace. The old debt which was to be redeemed by the loan bore a reasonable interest, and yet an unlimited power as to the amount of interest was given. Why was it done? Because the interest of the Government called for it; it was to put the Government out of the hands of the money lenders. If the Government had then passed a law authorizing a loan at eight per cent. the money-holder would have come forward and demanded it; and he would do so now, and would not abate an iota of the eight per cent. The honorable gentleman says there were but two other examples of this kind, the five million and the three and a half million loans; and he calls upon us to take warning by those examples, alluding to the Administration of that day having given eight per cent. interest. That high interest proceeded, I will not say from the abuse, but from the injudicious exercise of the power vested in the Government; and if the Government were to do now as the Government then did, I should consider it as abusing its power; but I do not mean an immoral abuse of power. The Government may now possibly not get it for less; but, if they do not, it will proceed from causes such as I have stated. Trusting the Government thus with the management of the loan, and the negotiation of interest, is at this time not so indiscreet as to go into market and state their price. I wish you then, sir, to copy the wisdom and avoid the error of the former Administration.

But there were other instances besides that which I have mentioned, and the three and a half and five million loans to which the gentleman has alluded. There was one for naval and military appropriations, of one and a half millions. There have indeed been numerous instances of such grants, and this too in a time of peace. Congress are authorized, therefore, in point of precedent, in granting power to make a loan without limitation of interest—and I will not disregard the value of precedent on this point, though it came from the honorable gentlemen, and though they even disown it.

I need not I hope, sir, give any further answer to the argument that the want of limitation to the interest to be given is an exceptionable feature in the bill. Nor is the authority to sell the stock, or give a premium, more exceptionable. This the honorable gentleman from New York has correctly stated is a matter of calculation. Nothing is more true. If, by the sale of stock, the Government can make a better bargain than by the loan, they will do so; and they will give a premium, if a better bargain may be made in that way.

I need not enter into the argument of the gentleman from Connecticut, going to show the probable expense of the war. I will show one instance however in which the gentleman is in error. The gentleman has stated that in this year twenty-one million will be added to the debt of the nation. Now this is a mistake; there will not be twenty-one millions added to the debt of the nation. For if thirty-six millions, the sum estimated for the present year, be expended, eight millions of it at least will be expended for the payment of the interest and the diminution of the principal of the public debt. There will be expended for interest about three millions. The loan (including the Treasury notes) wanted for the present year is twenty-one millions; so that the amount added to the public debt during the present year will not exceed sixteen millions. The gentleman says, if the war be continued four years, it will add to our debt an hundred millions of dollars. Not, sir, if the interest of the loans be provided for within each year. The whole amount of four years' loans, supposing them not greater than that of the present year, and they cannot well be conceived to be probably greater, will amount to but sixty millions, and will not exceed by twenty-four millions the sum which the republican Administrations of this Government have paid off of the public debt.

I have no more to say, sir, on the merits of these bills. But gentlemen have again given us a dish of all sorts, and called our attention to the war. The honorable gentleman from New York gave us the reasons why he would not support the war or vote for the loan. In the first place, he said there exists a Constitutional right in every member to oppose the war. No man denies the right, and very far am I from questioning it; but I hope there will be a prudent and a conscientious exercise of that right. I do not deny that gentlemen act conscientiously; but I believe they are mistaken in their views. The conduct of the English opposition is offered as an example. But our Government is different from that of England. That Government consists of the people, the Sovereign, and the privileged orders; our Government is one of the people alone. In that Government it is sometimes necessary that that portion of it which represents the people should be in opposition to the Government. But that is not necessary and perhaps not justifiable here. The gentleman from New York (Mr. STOW) the other day, in his admirable speech, gave us illustrious examples of Englishmen disapproving a war, and yet supporting their Government in carrying it on. Gentlemen have a right of opposition, but they ought to exercise it

so as not to injure their country, and they ought not uncharitably to upbraid others who, in making war, make nothing but sacrifices, and run every hazard without almost any hope; who can gain nothing but may lose everything; who consequently can have no sinister views, and must therefore be supposed to act honestly.

Gentlemen have again adverted to the particular causes of the war. There is no end to this subject. Mocking is catching. The honorable gentleman from Virginia (Mr. Randolph) during the last session, humorously and wittily, laughed at the gentleman on this side of the House for the frequent recurrence in debate of the project of invading Canada. He said their cry was "Canada, Canada, Canada!" But the gentlemen of the opposition have not only borrowed them, but have almost robbed the majority of their notes—they have not been satisfied with this, but so much enamored of them are they, that they have parodied them, and cry in imitation, almost incessantly, "War, war, war!" Their reasons in opposition to war are so numerous, that in this particular they resemble the address of the mayor of an obscure town in France, which he proposed to deliver to the great Henry, as an apology for not firing cannon on the approach of the Monarch, who visited the town in one of his progresses through the Kingdom. He said they had eighty-nine reasons for not firing cannon; the first was, that they had none! The King besought him not to urge any more. The reasons of the gentlemen seem to be equally numerous, and they have one equally conclusive; they will not support the war! We may number, but how shall we describe the various characters of the reasons of the gentlemen? I know no way so ready as by an alteration of the words which the poet puts in the mouth of the bacchanal as an apology for taking his glass—

> "A friend, a toast, or being dry,
> Or lest we should be by and by,
> Or *any other reason* why."

To the gentlemen themselves, who abound in fiction and fancy, the materials of poetry, I will leave the alteration.

Mr. Pitkin rejoined.

Mr. Widgery made a few remarks in favor of the bill; and the question was then taken on the passage of the bill, and decided in the affirmative, as follows:

Yeas—Willis Alston, junior, William Anderson, Stevenson Archer, Daniel Avery, David Bard, Burwell Bassett, William W. Bibb, William Blackledge, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, Francis Carr, Langdon Cheves, James Cochran, John Clopton, Lewis Condict, William Crawford, Richard Cutts, Roger Davis, John Dawson, Joseph Desha, Samuel Dinsmoor, Elias Earle, William Findley, Meshack Franklin James Fisk, Thomas Gholson, Peterson Goodwyn, Isaiah L. Green, Bolling Hall, Obed Hall, John A. Harper, Aylett Hawes, John M. Hyneman, Richard M. Johnson, Joseph Kent, William R. King, Peter Little, William Lowndes, Aaron Lyle, Thomas Moore, William McCoy, Samuel McKee, Alexander McKim, Arunah Metcalf, Samuel L. Mitchill, James Morgan, Jeremiah Morrow, Hugh Nelson, Anthony New, Thomas Newton, Stephen Ormsby, Israel Pickens, William Piper, James Pleasants, junior, Benjamin Pond, William M. Richardson, Samuel Ringgold, Thomas B. Robertson, John Rhea, Jonathan Roberts, Lemuel Sawyer, Ebenezer Seaver, John Sevier, Adam Seybert, Samuel Shaw, George Smith, John Smith, Silas Stow, William Strong, John Taliaferro, George M. Troup, Charles Turner, junior, Robert Whitehill, David R. Williams, William Widgery, Richard Winn, and Robert Wright—79.

Nays—John Baker, Abijah Bigelow, Harmanus Bleecker, Adam Boyd, James Breckenridge, Elijah Brigham, Epaphroditus Champion, Martin Chittenden, Thomas B. Cooke, John Davenport, junior, William Ely, James Emott, Asa Fitch, Thomas R. Gold, Charles Goldsborough, Edwin Gray, Jacob Hufty, Richard Jackson, junior, Philip B. Key, Lyman Law, Joseph Lewis, junior, Archibald McBryde, James Milnor, Jonathan O. Moseley, Joseph Pearson, Timothy Pitkin, junior, Elisha R. Potter, Josiah Quincy, John Randolph, William Reed, Henry M. Ridgely, Daniel Sheffey, Philip Stuart, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Peleg Tallman, Uri Tracy, Laban Wheaton, Leonard White, and Thomas Wilson—41.

GOVERNMENT OFFICERS.

On motion of Mr. Randolph the House resumed the consideration of a resolution moved by him a few days ago, calling on the President for a list of the names of persons holding offices under the Government of the United States. For consideration 80, against it 30.

Mr. Blackledge stated that the objection he had formerly entertained to this resolution had been done away by subsequent reflection. He had, however, an amendment to propose, the object of which was to procure information which he thought necessary, in order to dispel the ridiculous and false stories which had been circulated through the country of our armies being mainly officered by Frenchmen. He wished to ascertain the facts contemplated by the amendment, which would go to show, that where there was one of French nativity, there were twenty of English to counterbalance them. He, therefore, moved to amend the resolution by adding thereto words to this effect: "and that where the officer shall not have been born in this country, to state the fact, and the time at which he emigrated to this country."

Mr. Rhea opposed the amendment, because impracticable and unnecessary. He had no idea in time of war of publishing the names of our officers to the enemy, or he might have voted for the whole resolution.

Mr. Randolph said he had no objection to the amendment in principle, but could not consent to incorporate it in this resolution, because it would postpone the return by so long a time as it would require the Government to collect the information contemplated by it. He spoke in support of his resolution, and vindicated it from Mr. Rhea's objections, citing in support of his proposition the example of the British Government annually

making an official publication of the names of their officers, &c. He was as anxious as any gentleman to ascertain what number of officers there were of foreign birth in the Government and even in this House.

Mr. BLACKLEDGE stated his object only to be, to be enabled officially to refute an infamous slander and falsehood circulated at the eve of recent elections in some of the States.

Mr. RHEA again spoke against the amendment, and cited the recent proclamation of the Prince Regent requiring foreigners to return home, and the conduct of British naval commanders, as reasons against exposing the English nativity of our citizens, &c.

Mr. DESHA then moved to postpone the further consideration of the resolution and amendment indefinitely.

Mr. WRIGHT spoke against the resolution and in favor of postponement. His objection appeared to be to the disclosure of the names of persons employed in secret service. We are surrounded by British emissaries, and he had no idea of being deprived of an opportunity of fighting the enemy on equal ground, without exposing the names of our agents.

The question on indefinite postponement was then taken and negatived—yeas 47, nays 60, as follows:

YEAS—Willis Alston, jr., William Anderson, Stevenson Archer, David Bard, William W. Bibb, Robert Brown, William Butler, James Cochran, John Clopton, Lewis Condict, William Crawford, Richard Cutts, Roger Davis, Joseph Desha, Samuel Dinsmoor, Elias Earle, James Fisk, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Isaiah L. Green, Bolling Hall, Obed Hall, John A. Harper, John M. Hyneman, William R. King, Abner Lacock, Peter Little, Aaron Lyle, Thomas Moore, William McCoy, James Morgan, Jeremiah Morrow, Israel Pickens, William Piper, Samuel Ringgold, John Rhea, Jonathan Roberts, Ebenezer Sage, John Sevier, Samuel Shaw, George Smith, William Strong, Charles Turner, jr., Robert Whitehill, Richard Winn, and Robert Wright.

NAYS—John Baker, Burwell Bassett, Abijah Bigelow, William Blackledge, Harmanus Bleecker, Adam Boyd, James Breckenridge, Elijah Brigham, William A. Burwell, John C. Calhoun, Epaphroditus Champion, Langdon Cheves, Martin Chittenden, Thomas B. Cooke, John Davenport, jr., William Findley, Asa Fitch, Thomas R. Gold, Charles Goldsborough, Edwin Gray, Aylett Hawes, Jacob Hufty, Richard Jackson, jr., Philip B. Key, Lyman Law, William Lowndes, Archibald McBryde, Samuel McKee, James Milnor, Samuel L. Mitchill, Jonathan O. Moseley, Hugh Nelson, Thomas Newton, Stephen Ormsby, Joseph Pearson, Timothy Pitkin, jr., James Pleasants, jr., Elisha R. Potter, Josiah Quincy, John Randolph, William Reed, William M. Richardson, Henry M. Ridgely, Thomas B. Robertson, Lemuel Sawyer, Adam Seybert, Daniel Sheffey, John Smith, Philip Stuart, Silas Stow, Lewis B. Sturges, Samuel Taggart, John Taliaferro, Benjamin Tallmadge, Uri Tracy, Laban Wheaton, Leonard White, David R. Williams, William Widgery, and Thomas Wilson.

The question was then taken on Mr. BLACKLEDGE's proposed amendment, and decided in the negative—yeas 33.

Mr. WRIGHT then moved to amend the resolution by adding thereto, after the words "holding office or employment," the words "of a public nature under the United States."—Agreed to.

After some further conversation on the subject of the motion, it was decided as follows: For the resolve 69, against it 39.

YEAS—Ezekiel Bacon, John Baker, Burwell Bassett, William W. Bibb, Abijah Bigelow, William Blackledge, Harmanus Bleecker, Adam Boyd, James Breckenridge, Elijah Brigham, William A. Burwell, William Butler, John C. Calhoun, Francis Carr, Epaphroditus Champion, Langdon Cheves, Martin Chittenden, James Cochran, Thomas B. Cooke, John Davenport, jr., John Dawson, Samuel Dinsmoor, William Ely, James Emott, Asa Fitch, Meshack Franklin, Thomas R. Gold, Charles Goldsborough, Edwin Gray, Aylett Hawes, Jacob Hufty, Richard Jackson, jr., Joseph Kent, Philip B. Key, Joseph Lewis, jr., William Lowndes, Archibald McBryde, Samuel McKee, James Milnor, Jeremiah Morrow, Jonathan O. Moseley, Hugh Nelson, Thomas Newton, Stephen Ormsby, Joseph Pearson, Timothy Pitkin, jr., James Pleasants, jr., Elisha R. Potter, Josiah Quincy, John Randolph, William Reed, William M. Richardson, Henry M. Ridgely, Thomas B. Robertson, Lemuel Sawyer, Adam Seybert, Daniel Sheffey, John Smith, Philip Stuart, Silas Stow, Lewis B. Sturges, Samuel Taggart, John Taliaferro, Benjamin Tallmadge, Uri Tracy, Laban Wheaton, Leonard White, David R. Williams, and Thomas Wilson.

NAYS—Willis Alston, jr., William Anderson, Stevenson Archer, David Bard, John Clopton, Lewis Condict, William Crawford, Richard Cutts, Roger Davis, Joseph Desha, William Findley, Thomas Gholson, Peterson Goodwyn, Isaiah L. Green, Felix Grundy, Obed Hall, John A. Harper, John M. Hyneman, William R. King, Abner Lacock, Peter Little, Aaron Lyle, Thomas Moore, Alexander McKim, James Morgan, Israel Pickens, William Piper, Benjamin Pond, Samuel Ringgold, John Rhea, Jonathan Roberts, Ebenezer Sage, John Sevier, George Smith, William Strong, Charles Turner, jr., Robert Whitehill, Richard Winn, and Robert Wright.

Mr. RANDOLPH and Mr. BAKER were appointed a committee to present the resolution to the President of the United States.

THURSDAY, January 28.

The House resolved itself into a Committee of the Whole on the bill for the relief of Royal Converse. The bill was reported without amendment, and ordered to be engrossed and read the third time to-morrow.

ARMING THE MILITIA.

The House resolved itself into a Committee of the Whole on the bill supplementary to "An act making provision for arming and equipping the whole body of the militia of the United States, and for classing the same."

[This bill provides, in its first section, a further appropriation of $400,000 annually for arming the whole body of the militia of the United States, in addition to sums already in like manner permanently appropriated. The five next sections are mere detail on this head. The 6th section and the remainder of the bill provides for the classification of the militia of the

United States, into three classes; the minor, to consist of those between eighteen and twenty-one years of age; the junior, of those between twenty-one and thirty-one; and the senior, of those between thirty-one and forty-five, &c.]

Mr. Burwell moved to amend the bill by striking out the proviso of the 10th section, which authorizes substitutes, and supported his motion at some length. Mr. Wright opposed and Mr. McKim advocated the proposed amendment.

The question on the amendment was lost, without a division.

Mr. Williams and Mr. Wright spoke in support of the bill.

Mr. Tallmadge said, he was opposed to the principle and details of this bill, as he had been uniformly before to all bills of similar import and character. The first section of the bill on your table proposes to make an annual appropriation of $400,000, in addition to the standing annual appropriation of $200,000, for the purpose of procuring arms, &c., for the militia; and provision is made in the subsequent sections for dividing the whole body of the militia into three classes, to be denominated the *minor*, *junior*, and *senior* classes. The residue of the bill is calculated to carry those principles into effect.

Mr. T. said he would agree with the chairman of the Military Committee, (Mr. Williams,) as to the fundamental principles on which he defended the bill, viz: that the great body of our citizens, who form the militia of our country, ought to be armed; but he differed from him as to the mode of accomplishing the object. The law of May 8, 1792, under the Administration of General Washington, first organized the militia of the United States, by establishing an uniform system throughout the United States. By this law every citizen between the ages of eighteen and forty-five years, duly enrolled, was obliged to equip himself completely for the field, which arms were to be exempt from arrests, executions, &c. In obedience to this law, a considerable portion of the militia have armed and equipped themselves, and are at this day, in that respect, fit for any military duty. What is the argument for altering this law? Because another considerable portion of the militia have paid no attention to the law, and have wholly neglected or omitted to arm themselves, therefore it must be altered or repealed. If this be ground sufficient to alter the law, then shall we have a precedent sufficiently broad to alter any law.

But, say gentlemen, that class of our citizens who are enrolled in the militia, are those who are the laboring poor, and unable to arm and equip themselves. I inquire of you, Mr. Chairman, whether this can be the case under the fair construction of our militia law? Is the rich, or the middle class of society more exempt than the poor? Has not the rich man sons and apprentices to arm and accoutre for militia duty, as well as the man who moves in the humbler walks of life? If this law, which has been in operation more than twenty years, and to which our militia systems (especially in the Northern States) have now become assimilated, should now be repealed, I beg leave to ask, what pledge or assurance have we that any other law will share a better fate?

But, sir, although I can never consent to punish those who fulfil the requisitions of a law, while, at the same time, we indirectly reward those who break it, or fail to comply with its provisions, if the fact can be ascertained that the militia really desire this interference of the Legislature to provide them with arms, I will even consent to draw upon the Treasury for this object. But here I take the liberty to remark, that the appropriation contained in the first section of this bill ought not to be made at this time for the following reason: On the 23d of April, 1808, a law was enacted, purporting to be "an act making provision for arming and equipping the whole body of the militia of the United States," by which it was declared that the annual sum of two hundred thousand dollars should be appropriated for the purpose of providing arms, &c., for the militia of the United States, either by purchase or manufacture. The President was also authorized to erect additional arsenals and manufactories, for the aforesaid purpose, as he might deem expedient. This law has been in operation nearly five years, and of course about one million of dollars has accrued to the fund for arming the militia. I beg gentlemen to give me their attention for a few moments while I analyze the report of the Secretary of War, laid on our tables on the 24th of December, at the call of this House. By this return we learn that the Secretary of War had drawn from the Treasury the sum of $483.000, of which he had paid over to contractors $99,792, leaving a balance unaccounted for of $383.208. While the bill now under discussion laid on our tables, this return was called for, and after I saw how far the purchases of arms had fallen short of the money appropriated, I called on the Secretary of War, in company with my honorable friend who sits near me, (Mr. Reed,) and inquired why the whole appropriation had not been expended in the purchase of arms? To which he replied, that the money could not be usefully expended in the United States for the objects contemplated by the law. He assured me that it was a very difficult thing to procure muskets of a good quality in quantities sufficient to absorb that appropriation, and, of course, that a further appropriation would be entirely useless.

After this I called on the Secretary of the Treasury, who gave me the specific sums which had been paid to the Secretary of War on the aforesaid annual appropriation of $200,000, which amounted to $500,000, making a difference in the two statements of $17,000 against the Secretary of War. The Secretary of the Treasury further informed me, that, according to a standing law, there had been passed over to the credit of the sinking fund $100,000 of the aforesaid annual appropriation, because it had not been drawn for within the time limited by law; which proves most incontestably one of two things, either that the Executive Department has been guilty of

gross neglect in the non-execution of the law of April, 1808, or else that the money could not be judiciously expended. At all events, the fact stands confessed before the House, that even allowing that $500,000 have been expended in the execution of the law of April, 1808, there are now four hundred thousand dollars on hand—$100,000 being lost to this fund as before stated—ready to be expended in the purchase of arms. I inquire, then, in the present state of the Treasury, when loans are authorized to a great extent, unlimited as to rate of interest or price of stocks, whether it can be prudent to make the appropriation contemplated by the first section of this bill? I presume not.

But gentlemen say, as there was no appropriation in the law of 1808 to enable the President to establish new factories, he was unable to enlarge the manufacture of arms.

To this I reply, that if the President had discovered this defect in the law, it might reasonably have been supposed that he would have laid the same before Congress. But the fact is, it was not contemplated to arm the militia from the factories of the United States. These were the places where the troops of the United States were to be supplied, and it was expected that the purchases of arms for the militia would have been on contracts with citizens; and, accordingly, you find that, in this way, the Secretary of War reports contracts to have been made. The great difficulty lies in the want of artists, who shall be capable of doing the business in a workmanlike manner. An officer who lately went to one of our public armories (Springfield) to select some muskets for service, reported, on his return, that out of fifty or sixty thousand stands, principally made under the economical direction of General Dearborn, he could not select one thousand fit for use. If this be the case with arms that had been inspected, how can it be supposed that private factories can do much better? If fifteen or twenty thousand stand of arms can be manufactured yearly for the use of the militia, beyond what the public factories can deliver for the use of the troops and arsenals of the United States, I believe it will be as much as may be expected, and the appropriation under the law of 1808 will be adequate for this purpose.

While I am upon this part of the subject, I take occasion further to remark, that, by the third section of the aforesaid law, it was made the bounden duty of the Executive to distribute the arms, &c., purchased or manufactured by virtue of that law, to the several States and Territories composing this Union, in proportion to their effective militia, and for their use. The report of the Secretary of War, on that subject, now lying before me, informs us how this has been done. It is almost five years since that law was enacted, and yet many of the States have not received a single stand of arms procured under that law. Can gentlemen from the South and West expect us to aid them in passing these large annual appropriations, when we receive no part of the benefits designated by the law?

A recurrence to the report will show where the arms have gone. I say, then, that the first section of this bill is worse than useless—

1. Because it purports to be something, when it really is good for nothing.

2. Because the fund under the law of April, 1808, is now more than can be judiciously expended—and

3. Because I am unwilling to borrow money at an extravagant rate of interest, to fill appropriations not absolutely necessary.

It was my intention, when I rose, to have remarked only on the first section of this bill, which relates to the annual appropriation; but, since I am up, I will make a few remarks on the other sections of the bill, which relate to classing the militia. I observe, then, that this principle in the bill, is in my judgment radically wrong, inasmuch as it is founded on the detestable doctrine that the militia of our country are to be considered as the army of the United States. I cannot too fully impress the sentiment upon this House and upon the nation, that the militia of this country, in a strictly military sense, are the armies of the several States, and should never be under the control of the General Government, only when the exigencies provided for by the Constitution exist. Every new principle, therefore, which is introduced into the militia code, should be examined with a jealous eye. I inquire then, for what purpose this system of forming all the militia into three classes is introduced? The answer is at hand; it is to form them into a more disposable force for the purposes of the General Government; and although the term conscription is odious to every American, and quite offensive to the friends of this bill, still I do say, that this principle of classing the militia partakes of that practice in a degree; and is rendered obnoxious on that account. Is this new system called for by the States? whose troops, I again assert, are to be affected by it. I answer, no. Are those States solicitous for this innovation, who have formed and disciplined their militia in conformity to the law of 1792? Most assuredly not. It must then be a proposition made in behalf of those who have never regarded our militia regulations, to affect those who have complied with the law, and are satisfied with its provisions. I cannot but consider the request as unreasonable in its nature, and dangerous in its consequences, and hope the House will not adopt it.

I will not enlarge on this point, but do now move that the first section be stricken from the bill.

Mr. WILLIAMS replied to Mr. TALLMADGE, and opposed the motion to strike out the first section.

Mr. STOW followed in support of the bill, and in reply to Mr. TALLMADGE.

Mr. ELY.—I am decidedly friendly to the arming the militia, but I have been of opinion, that it ought to be done as it has been done from the first settlement of our country—the course has always been to require every militiaman to be armed, and be the proprietor of his arms. But Congress have adopted another course. Now the

question is, how can the arms be procured? Not any more speedily by the appropriation in the present bill. We have already appropriations to a great amount, five or six hundred thousand dollars unexpended, and it is useless to make at present further appropriations. When the act of 1808 was passed, making the appropriation of two hundred thousand dollars annually, I was of opinion, and then contended, that even that measure would not materially promote the manufacture of arms in the United States, and I submit to this Committee that our experience has shown that I was correct. The reason is, that the regular appropriation for arms and armories is as much money, or very nearly as much, as can be profitably expended on the manufactures of that article in our country.

The Chairman of the Military Committee (Mr. D. R. WILLIAMS) seems to suppose that the failure of the War Department to apply this annual fund for the purposes intended, is owing to neglect, or to a reluctance in the department to procure those arms for the militia. I am by no means satisfied that any such idea is correct. There are but two ways in which arms can be obtained, by private contract—none can be imported in the present state of the world. When the United States commenced the manufacture of arms, which was under a law passed in 1794, the President located three armories, one in Massachusetts, one in Virginia, and one in South Carolina; two of these soon commenced their operations. These establishments have been gradually progressing in their art, and extending their machinery and their works, as skilful artificers became instructed in the business, or could be obtained, until they produce annually, from twenty to twenty-five thousand stand of arms, and still we find, frequently, suggestions from gentlemen, that the arms manufactured in these establishments, with all these advantages, are imperfect and unsafe, not fit to put into the hands of a soldier. This may be true of those produced in the infancy of the establishments, but I am not sensible that it is the case to any considerable extent. I believe the arms manufactured in the armories have been, by far the greater part of them, good and safe. But it must be acknowledged, that in these institutions, there have been some very unfortunate mistakes. Under the administration of the former Secretary, General Dearborn, there were manufactured in one of them, near 15,000 muskets, with the bayonets soldered to the barrels. These arms, believed to be good in other respects, are considered, in their present form, to be good for nothing, and lie useless. Still it is believed that many of them might, by a new bayonet affixed to the barrel, in the common form, be made good muskets. The great difficulty with these fixed bayonets is, that they are put on with solder that has not strength, they are easily broken off and lost. But why has not the Department gone on with their armory in South Carolina? To me the reason is obvious; it is because artificers of competent skill could not be found, unless, indeed, you call them from the other establishments already in operation, where they are more useful than they could be when removed. In the commencement of almost every manufactory by a private individual, or by a State, inducements have been offered to the men employed in the public armories, to leave them and go to a different rank, and better pay, in these minor establishments. This was a fact which fell under my immediate notice in the commencement of the State's armory at Richmond. The difficulty has been, that skilful artificers in this branch of business have been, and are still scarce, and to this is to be imputed the tardy progress in this manufacture, as well as the insufficiency of the arms produced.

But the honorable Chairman of the Military Committee seems to suppose, that contracts for arms might have been made to any extent, and these safe for the Government, as the persons making them would be under bonds. I do not think so. It has been found in the experience of the Department, that many of the arms procured by contract, formerly, were very poor, and such as ought not to have been received; that those now contracted for will be, I know not. But what is the course pursued by the War Department at present? They advertise that they are authorized to contract for arms, and are ready to receive proposals, and yet a mere pittance of your annual appropriation is expended. Do you wish your Secretary to make contracts, unless he has good reason to believe that the persons who offer, are competent, and can fulfil them? I trust not; the United States have already suffered enough by this procedure. I have been informed, by the late Secretary of War, that contracts were made by his predecessor, with persons at or near Lancaster, in Pennsylvania, for rifles, where the manufacture in that branch is considered more perfect than in any other part of the Union. That on these contracts, near two thousand rifles were inspected, received and paid for, and this by inspectors highly recommended; that on complaint being made, he ordered a re-inspection by a skilful artist, in that branch of business, by whose report, which I saw, not one rifle of the whole number was found to be fit for use, or good for anything. Would the honorable Chairman of the Military Committee wish the public money to be expended in this way? I presume not. I say that, for all safe contracts that can be made, the former appropriations are sufficient—I am therefore for striking the appropriation from the bill.

After considerable discussion between Messrs. WILLIAMS, and WRIGHT, in favor of the bill, and Mr. TALLMADGE against it, the question on Mr. TALLMADGE's motion to strike out the first section was taken and lost.

The Committee then rose and reported the bill to the House without amendment.

FRIDAY, January 29.

A new member, to wit: from New York, THOMAS P. GROSVENOR, elected to supply the

vacancy occasioned by the resignation of Robert Le Roy Livingston, appeared, produced his credentials, was qualified, and took his seat.

Mr. CHEVES, from the Committee of Ways and Means, presented a bill directing the Secretary of the Treasury to remit certain fines, penalties, and forfeitures, therein mentioned; which was read twice, and committed to a Committee of the Whole on Monday next.

Mr. HEMPSTEAD, from the committee to whom were referred the petition of Daniel Boone, and the resolutions of the Legislature of Kentucky in his behalf, made a report; which was read twice, and committed to a Committee of the Whole on Monday next.

A message from the Senate informed the House that the Senate have passed a bill "to revive and continue in force 'An act declaring the consent of Congress to an act of the State of Georgia, passed the twelfth day of December, 1804, establishing the fees of the harbor-master and health officer of the ports of Savannah, and St. Mary's;" in which they desire the concurrence of this House.

An engrossed bill for the relief of Royal Converse was read the third time, and passed.

The bill from the Senate "to revive and continue in force 'An act declaring the consent of Congress to an act of the State of Georgia, passed the twelfth day of December, 1804, establishing the fees of the harbor-master and health officer of the ports of Savannah and St. Mary's, was read twice and committed to a Committee of the Whole on Monday next.

Mr. POINDEXTER reported a bill authorizing the appointment of additional officers (a marshal and attorney) in the several Territories of the United States, which was twice read and committed.

On motion of Mr. BASSETT, the House resolved itself into a Committee of the Whole, on the bill making remuneration to the officers and crew of the Constitution frigate for the capture and necessary destruction of the British frigate Guerriere.

The sum to be appropriated was fixed, on motion of Mr. BASSETT, at $50,000.

The Committee then reported the bill, and the House having agreed to the appropriation, the bill was ordered to be engrossed for a third reading.

The bill for the relief of the Bible Society of Philadelphia, went through a Committee of the Whole, was ordered to a third reading, 48 to 26, and forthwith read a third time and passed.

TERRITORY OF MISSOURI.

Mr. MCKEE, from the select committee which was directed to inquire into the propriety of amending the act for the government of the Missouri Territory, reported against any amendment. The report is as follows:

That they have had the subject to them referred under their consideration, and have examined the act above recited. The principal difficulty suggested to the committee, occurring in the execution of the law, appears to relate to the election of a delegate to represent the interest of the Territory in the Congress of the United States. By the first clause of the 6th section of the act it is provided "that the House of Representatives shall be composed of members elected every second year, by the people of the said Territory, to serve for two years. By the 13th section of the said act it is also provided "that the citizens of the said Territory entitled to vote for Representatives to the General Assembly thereof, shall, at the time of electing their Representatives to the said General Assembly, also elect one delegate from the said Territory to the Congress of the United States. It also appears that an election was held in pursuance of the act on the second Monday of November last, when a delegate was elected. It appears that doubts have been entertained whether the delegate thus elected can legally hold his seat after the 3d day of March next, and an alteration in the law has been suggested as necessary to obviate the difficulty. It seems to the committee that the first clause of the 6th section, and the 13th section of the act, taken together, leaves no room for doubt, but evidently fixes the period for which the delegate may hold his seat at two years from the second Monday of November last; and it follows, as a necessary consequence, that the delegate elected in pursuance of the law, and for the term of two years, cannot be deprived of his right to a seat by any subsequent law.

It also appears to the committee that the Territorial Legislature are furnished, by the 7th section of the act, with competent power to change the time of holding elections so as to obviate any difficulty that may occur in the subsequent elections of a delegate.

The Committee, therefore, recommend the following resolution:

Resolved, That the act entitled "An act providing for the government of the Territory of Missouri," requires no amendment.

By Benjamin Howard, Governor of the Territory of Louisiana, Commander-in-Chief of the Militia thereof, and Superintendent of Indian Affairs, in and over the same:

A PROCLAMATION.

In discharge of those duties enjoined on the Governor of this Territory by an act of the Congress of the United States of America, approved the 4th of June, 1812, entitled "An act providing for the government of the Territory of Missouri," I have made the following arrangements, preparatory to the new organization of Government to be instituted by the said act, and which will commence its operation on the first Monday in December next: that is to say:

I have divided the future Territory of Missouri into five counties, excluding from the civil jurisdiction of each of said counties any tract or tracts of country which may fall within their respective general limits, as hereinafter set forth, the Indian title to which may not have been extinguished.

That portion of territory situated north of the Missouri river, and usually known by the name of the Forks, as lying between that river and the river Mississippi, shall compose one county, and be called the county of St. Charles.

That portion of territory bounded by the Missouri river on the north; by the Mississippi on the east; on the south by the Platin creek, from its mouth to its source; thence by a west line to the Missouri river, or to the western boundary of the Osage purchase; and on the west, by the said western boundary of the Os-

age purchase, shall compose one other county, and be called the county of St. Louis.

That portion of territory bounded by the county of St. Louis on the north; on the east by the Mississippi; on the south by Apple creek, from its mouth to its source; thence by a due west line to the western boundary of the Osage purchase; and on the west, by the said western boundary of the Osage purchase, shall compose one other county, and be called the county of St. Genevieve.

That portion of territory bounded on the north by the south limit of the county of St. Genevieve; east by the Mississippi; west by the western boundary of the Osage purchase; and south by that line which formerly separated the commanders of Cape Girardeau and New Madrid, and known more recently as the boundary between those two districts, shall compose one other county, and be called the county of Cape Girardeau.

That portion of territory bounded north by the south limit of the county of Cape Girardeau; east by the Mississippi; south by the 33d degree of north latitude, (the southern boundary of this Territory as settled by act of Congress;) west by the western boundary of the Osage purchase; and from the southern extremity thereof to the 33d degree of north latitude aforesaid, shall compose one other county, and be called the county of New Madrid.

And I do hereby make known and declare that elections of Representatives, to serve in the General Assembly of the future Territory of Missouri, shall be holden throughout the Territory, on the second Monday of November next, at the respective seats of justice of the present districts, which are hereby declared to be the seats of justice for the several future counties respectively, except that the town of New Madrid shall be the seat of justice of the future county of New Madrid, which said future county will comprehend the present districts of New Madrid and Arkansas; to wit: at the town of St. Charles for the future county of St. Charles, at which time and place there will be chosen for the said county two Representatives. At the town of St. Louis for the future county of St. Louis, at which time and place there will be chosen four Representatives. At the town of St. Genevieve for the future county of St. Genevieve, at which time and place there will be chosen for the said county three Representatives. At the town of Cape Girardeau for the future county of Cape Girardeau, at which time and place there will be chosen for the said county two Representatives. And at the town of New Madrid, for the future county of New Madrid, at which time and place there will be chosen for the said county two Representatives.

And I do, moreover, make known and declare that, on the said second Monday of November next, an election will also be holden, at the several seats of justice aforesaid, for a Territorial delegate to the Congress of the United States. And I do enjoin and require that these elections be holden by the sheriffs of the present districts, or in their absence, or inability to act, by the coroners respectively; that the said sheriffs or coroners shall take the polls of those qualified to vote; that the clerks of the courts of the present districts, or their deputies, shall respectively write down the names of the voters in a fair and legible manner, and that the presiding judges of the courts of the present districts respectively, or in case of absence, or inability to act, the next in commission shall attend, and be judges of the qualification of the voters; that the said elections shall be opened at the respective seats of justice aforesaid, at or before 9 o'clock in the morning of the said second Monday of November, and close at sunset of that day.

And the sheriffs or coroners respectively, after having caused the proces-verbal of said polls to be signed by the clerks or their deputies, who may have respectively committed the same to writing, and countersigned by the judges respectively who may have attended the elections, will themselves certify the same, explicitly stating, at large, the names of the persons elected as Representatives, and the name of the person having the greatest number of votes as a delegate to Congress, and make immediate return thereof to the Governor of the Territory.

And I do, lastly, enjoin and require, that the Representatives of the several future counties, so as aforesaid to be elected, do convene in the town of St. Louis on the first Monday in December next, as provided by the act of Congress aforesaid.

In testimony, whereof, I have caused the seal of the Territory of Louisiana to be hereunto affixed. Given under my hand, at the town of St. Louis, the first day of October, in the year of our Lord one thousand eight hundred and twelve, and of the independence of the United States of America the thirty-seventh.

BENJAMIN A. HOWARD.

For the information of the people who are called on to decide the right of suffrage by the Governor's proclamation, we have inserted below that part of the law which defines the qualification as well of the Representative as of the voter.

"No person shall be eligible or qualified to be a Representative, who shall not have attained to the age of twenty-one years, and who shall not have resided in the Territory one year next preceding the day of election, and who shall not be a freeholder within the county in which he may be elected; and no person holding an office under the United States, or an office of profit under the Territory, shall be a Representative. In case of vacancy, by death, resignation, or removal or otherwise of a Representative, the Governor shall issue a writ to the county wherever a vacancy may be as aforesaid, to elect another person to serve the residue of the term. That all free white male citizens of the United States above the age of twenty-one years, who have resided in said Territory twelve months next preceding an election, and who shall have paid a territorial or county tax, assessed at least six months previous thereto, shall be entitled to vote for Representatives to the General Assembly of said Territory."

The report was ordered to lie on the table.

FOREIGN RELATIONS.

Mr. GRUNDY, from the Committee of Foreign Relations, made the following report:

The committee to whom was referred so much of the President's Message of the 4th day of November last, as relates to our Foreign Affairs, report:

That in presenting to the House at this time a view of our relations with Great Britain, it is deemed unnecessary to recite the causes which produced the war. The wrongs which the United States had received from that Power, for a long series of years, had already been laid before the public, and need not again be enumerated; they were too deeply felt to have been forgotten, although they may be forgiven by the American people. The United States having en-

gaged in the war for the sole purpose of vindicating their rights and honor, that motive alone should animate them to its close. It becomes a free and virtuous people to give an useful example to the world. It is the duty of a representative Government to render a faithful account of its conduct to its constituents. A just sensibility to great and unprovoked wrongs and indignities will justify an appeal to arms; an honorable reparation should restore the blessings of peace; every step which they take should be guided by a sacred regard to principle.

To form a correct estimate of the duties which the United States have to perform, it is necessary to take a view of the communications which have passed between the Executive of the United States and the British Government since the declaration of war. Such a view, the committee is persuaded, will show distinctly the existing ground of controversy between the two nations, and the indispensable obligation on the United States to maintain it.

Your committee has seen with much satisfaction, that, at the moment of the declaration of war, the attention of the Executive was engaged in an effort to bring it to a speedy and honorable termination. As early as the twenty-sixth of June last, the Chargé d'Affaires of the United States at London was instructed to propose to the British Government an armistice, to take immediate effect, on conditions which it is believed the impartial world will consider safe, honorable, and advantageous to Great Britain. They were few in number, and limited to positive wrongs daily practised. That the Orders in Council should be repealed, and that our flag should protect our seamen, were the only indispensable conditions insisted on. Other wrongs, however great, were postponed for amicable negotiation. As an inducement to the British Government to forbear these wrongs, it was proposed to repeal the non-importation law, and to prohibit the employment of British seamen in the public and private vessels of the United States; particular care was taken that these propositions should be made in a form as conciliatory as they were amicable in substance.

Your committee cannot avoid expressing its astonishment at the manner in which they were received. It was not sufficient to reject the proposed armistice; terms of peculiar reproach and insult were adopted to make the rejection offensive.

It happened, that almost on the same day in which the United States, after having been worn out with accumulated wrongs, had resorted to the last and only remaining honorable alternative in support of their rights, the British Government had repealed, conditionally, its Orders in Council. That measure was unexpected, because every application for it had failed, although repeated to the very moment it was decided on. Conditional as the repeal was, it was admitted to have removed a great obstacle to accommodation.

The other only remained: the practice of impressment. It was proposed to the British Government to open an amicable negotiation to provide a substitute to it, which should be considered an ample equivalent. The substitute proposed was defined, and of a character so comprehensive as to have removed, as was presumed, every possible objection to an accommodation. The proposition before made to exclude British seamen from our service was enlarged, so as to comprehend all native British subjects not already naturalized, or entitled to naturalization, under the laws of the United States; this was likewise rejected.

Your committee have sought with anxiety some proof of a disposition in the British Government to accommodate on any fair condition the important difference between the two nations relative to impressment, but they have sought in vain; none is to be found either in the communications of the British Minister to the American Chargé d'Affaires at London, or in those of the Commander of the British naval forces at Halifax made by order of his Government to the Department of State. They have seen with regret, that although Lord Castlereagh professed a willingness in his Government to receive and discuss amicably any proposition having in view either to check abuse in the practice of impressment, or to provide a substitute to it, he not only declined entering into a negotiation for the purpose, but discountenanced the expectation that any substitute could be proposed which his Government would accept. It merits notice, also, though it ceased to be a cause of surprise that, in the communication of Admiral Warren to the Department of State, the subject of impressment was not even alluded to.

Had the Executive consented to an armistice on the repeal of the Orders in Council, without a satisfactory provision against impressment, or a clear and distinct understanding with the British Government to that effect, in some mode entitled to confidence, your committee would not have hesitated to disapprove it.

The impressment of our seamen being deservedly considered a principal cause of the war, the war ought to be prosecuted until that cause was removed. To appeal to arms in defence of a right, and to lay them down without securing it, or a satisfactory evidence of a good disposition in the opposite party to secure it, would be considered in no other light than a relinquishment of it. To attempt to negotiate afterwards for the security of such right, in the expectation that any of the arguments which have been urged before the declaration of war and been rejected, would have more weight, after that experiment had been made in vain, would be an act of folly which would not fail to expose us to the scorn and derision of the British nation, and of the world.

On a full view, therefore, of the conduct of the Executive in its transactions with the British Government since the declaration of war, the committee consider it their duty to express their entire approbation of it. They perceive in it a firm resolution to support the rights and honor of their country, with a sincere and commendable disposition to promote peace, on such just and honorable conditions as the United States may with safety accept.

It remains, therefore, for the United States to take their final attitude with Great Britain, and to maintain it with consistency, and with unshaken firmness and constancy.

The manner in which the friendly advances and liberal propositions of the Executive have been received by the British Government has, in a great measure, extinguished the hope of amicable accommodation. It is, however, possible that the British Government, after instructing Admiral Warren to communicate to the Department of State the repeal of the Orders in Council, may have declined the arrangement proposed by Mr. Russell, in the expectation that *that measure* would have been satisfactory to the United States. Be this as it may, your committee consider it the duty of this House to explain to its constituents the remaining cause of controversy, the precise nature

of that cause, and the high obligation which it imposes.

From what has been stated, it appears that however great the sensibility to other wrongs, the impressment of our seamen was that alone which prevented an armistice, and in all probability an accommodation. Had that great interest been arranged in a satisfactory manner, the President was willing to rely on the intrinsic justice of other claims, and the amicable spirit in which the negotiation would have been entered into, for satisfaction in their favor. Great Britain claims a right to impress her own seamen, and to exercise it in American vessels. In the practice British cruisers impress American citizens, and from the nature of things, it is impossible that that abuse should not be carried to a great extent. A subaltern or any other officer of the British navy ought not to be the arbiter in such a case. The liberty and lives of American citizens ought not to depend on the will of such a party.

The British Government has insisted that every American citizen should carry with him the evidence of his citizenship, and that all those not possessed of it might be impressed. This criterion, if not otherwise objectionable, would be so, as the document might be lost, destroyed, or taken from the party to whom it was granted, nor might it in all cases be entitled to respect, as it might be counterfeited, transferred, or granted to improper persons. But this rule is liable to other and much stronger objections. On what principle does the British Government claim of the United States so great and shameful a degradation? Ought the free citizens of an independent Power to carry with them on the main ocean, and in their own vessels, the evidence of their freedom? And are all to be considered British subjects, and liable to impressment, who do not bear with them the badge? Is it not more consistent with every idea both of public as well as of private right, that the party setting up a claim to any interest, whether it be to persons or property, should prove his right? What would be the conduct of Great Britain under similar circumstances? Would she permit the public ship of any other Power, disregarding the rights of their flag, to enter on board her merchant vessels, take from them such part of their crews as the boarding-officer thought fit, often her own subjects, exposing by means thereof their vessels to destruction? Would she suffer such an usurpation to derive any sanction from her patient forbearance?

With the British claim to impress British seamen, the United States have no right to interfere, provided it be in British vessels, or in any other than those of the United States. That American citizens should be exempted from its operation, is all that they demand. Experience has shown that this cannot be secured otherwise than by the vessels in which they sail. Take from American citizens this barrier, which ought to be held sacred, and there is nothing to protect them against the rapacious grasp of the British navy. This, then, is the extent of the demand of the United States, a demand so just in itself, so consistent and inseparable from their rights as an independent nation, that it has been a cause of astonishment that it should ever have been called in question. The foundation of the British claim is, that British seamen find employment in the service of the United States; this is represented as an evil affecting essentially the great interests of the British nation. This complaint would have more weight if sanctioned by the British example. It is known on the contrary that it is in direct repugnance to it. Great Britain does not scruple to receive into her service all who enter it voluntarily. If she confined herself within that limit, the present controversy would not exist. Heretofore the subjects of even the most despotic Powers have been left at liberty to pursue their own happiness by honest industry, wherever their inclination led them. The British Government refuses to its seamen that privilege. Let not this, then, be a ground of controversy with that nation. Let it be distinctly understood, that in case an arrangement should be made between the two nations, whereby each should exclude from its service the citizens and subjects of the other, on the principles and conditions above stated, that this House will be prepared, so far as depends on it, to give it effect, and for that purpose to enact laws, with such regulations and penalties as will be adequate. With this pledge, it is not perceived on what ground the British Government can persist in its claim. If British seamen are excluded from the service of the United States, as may be effectually done, the foundation of the claim must cease. When it is known that not one British seaman could be found on board American vessels, it would be absurd to urge that fact as a motive for such impressment.

In declaring a willingness to give effect to the proposed arrangement, your committee consider it equally the duty of the House to declare, in terms the most decisive, that should the British Government still decline it, and persevere in the practice of impressment from American vessels, the United States will never acquiesce in that practice, but will resist it unceasingly with all their force. It is not necessary now to inquire what the course would have been with respect to impressment, in case the Orders in Council had been repealed before the declaration of war—or how long the practice of impressment would have been borne, in the hope that that repeal would have been followed by a satisfactory arrangement with respect to impressment.

War having been declared, and the case of impressment being necessarily included as one of the most important causes, it is evident that it must be provided for in the pacification. The omission of it in a treaty of peace, would not leave it on its former ground; it would in effect be an absolute relinquishment, an idea at which the feelings of every American must revolt. The seamen of the United States have a claim on their country for protection, and they must be protected. If a single ship is taken at sea, and the property of an American citizen arrested from him unjustly, it rouses the indignation of the country. How much more deeply then ought we to be excited, when we behold so many of this gallant and highly meritorious class of our fellow-citizens snatched from the bosoms of their families and of their country, and carried into a cruel and afflicting bondage! It is an evil which ought not, which cannot be long tolerated. Without dwelling on the sufferings of the victims, or on that wide scene of distress which it spreads among their relatives through the country, the practice is in itself in the highest degree degrading to the United States as a nation. It is incompatible with their sovereignty—it is subversive of the main pillars of their independence. The forbearance of the United States under it has been mistaken for pusillanimity.

The British pretension was maturing fast into a right. Had resistance been longer delayed, it might

have become one. Every Administration remonstrated against it, in a tone which bespoke the growing indignation of the country. Their remonstrances produced no effect. It was worthy the illustrious leader of our armies, when called by the voice of his country to the head of the Government, to pause, rather than recommend to his fellow-citizens a new war, before they had recovered from the calamities of the late one. It was worthy his immediate successors to follow his example. In peace, our free system of Government would gain strength, and our happy Union become consolidated. But at the last session, the period had arrived when forbearance could be no longer justified. It was the duty of Congress to take up this subject in connexion with the other great wrongs of which they complained, and to seek redress in the only mode which became the Representatives of a free people. They have done so by appealing to arms, and that appeal will be supported by their constituents.

Your committee are aware that an interesting crisis has arrived in the United States, but they have no painful apprehension of its consequences. The course before them is direct. It is pointed out equally by a regard to the honor, the rights, and the interests of the nation. If we pursue it with firmness and vigor, relying on the aid of Heaven, our success is inevitable. Our resources are abundant; the people are brave and virtuous, and their spirit unbroken. The gallantry of our infant Navy bespeaks our growing greatness on that element, and that of our troops when led to action inspires full confidence of what may be expected from them when their organization is complete. Our Union is always most strong when menaced by foreign danger. The people of America are never so much one family as when their liberties are invaded.

The report concludes by recommending the passage of the following bill:

A bill for the regulation of the seamen on board the public vessels and in the merchant service of the United States.

Be it enacted, &c., That, from and after the termination by a treaty of peace of the war in which the United States are now engaged with Great Britain, it shall not be lawful to employ as seamen or otherwise, on board of any public vessel of the United States, or of any vessel owned by citizens of the United States, or sailing under their flag, any person or persons, except natural born citizens of the United States, or citizens of the United States at the time of such treaty being made and concluded, or persons who, being resident within the United States at the time of such treaty, and having previously declared, agreeably to existing laws, their intention to become citizens of the United States, shall be admitted as such within five years thereafter, in the manner prescribed by law.

SEC. 2. *And be it further enacted*, That, from and after the time as aforesaid, when this act shall take effect, it shall not be lawful to employ as seamen or otherwise, as aforesaid, except as is by this act excepted, any person or persons not natural born citizens of the United States, unless such person or persons shall produce to the commander of the public vessel, or to the collector of the customs of the district to which the private vessel belongs, the certificate of his or their having been naturalized. The President of the United States is hereby authorized, from time to time, to make such other regulations, and to give such other directions to the several commanders of public vessels, and to the several collectors, as may be proper and necessary respecting the requisite proofs of nativity or citizenship to be exhibited to the commander or collectors aforesaid. And no person shall be admitted or employed as seamen or otherwise, as aforesaid, on board of any vessel owned by citizens of the United States, or sailing under their flag, unless his name shall have been entered in a list of the crew approved and certified by the collector for the district to which the vessel belongs.

SEC. 3. *And be it further enacted*, That, from and after the time as aforesaid, when this act shall take effect, no seamen or other seafaring man not being a citizen of the United States, shall be admitted or received as a passenger on board any public vessel of the United States, or of any private vessel owned by citizens of the United States, or sailing under their flag, without a passport from the proper officers of the country of which such seaman or seafaring man may be subject or citizen.

SEC. 4. *And be it further enacted*, That, from and after the time as aforesaid, when this act shall take effect, the consuls or commercial agents of any nation at peace with the United States shall be admitted, under such regulations as may be prescribed by the President of the United States, to state their objections to the proper commander or collector as aforesaid, against the employment of any seaman or seafaring man on board of any public or private vessel of the United States, on account of his being a native subject or citizen of such nation, and not embraced within the description of persons who may thus be lawfully employed, according to the provisons of this act; and the said consuls or commercial agents shall also be admitted under the said regulations, to be present at the time when the proofs of the nativity or citizenship of the persons against whom such objections may have been made, shall be investigated by such commander or collector.

SEC. 5. *And be it further enacted*, That, if any commander of a public vessel of the United States shall employ or permit to be employed, or shall admit or receive, or permit to be admitted or received on board his vessel, any person whose employment or admission is prohibited by the provisions of this act, he shall, on conviction thereof, forfeit and pay the sum of one thousand dollars for each person thus unlawfully employed, or admitted on board such vessel.

SEC. 6. *And be it further enacted*, That, if any person shall, contrary to the provisions of this act, be employed as a seaman or otherwise, or be received as a passenger on board of any vessel owned by citizens of the United States, or sailing under their flag, the master or commander, and the owner or owners of such vessel, shall each, respectively, forfeit and pay five hundred dollars for each person thus unlawfully employed in any one voyage; which sum or sums shall be recovered, even although such seaman or person might have been admitted and entered in the certified list of the crew aforesaid, by the collector for the district to which the vessel may belong; and all penalties and forfeitures arising under or incurred by virtue of this act, may be sued for, prosecuted, and recovered, with costs of suits, by action of debt, in the name of the United States, or by indictment or information in any court having competent jurisdiction to try the same, and shall accrue and be one moiety thereof to the use of the informer, and the other moiety thereof to the use of the United States, except where the prosecution shall be first instituted on be-

half of the United States, in which case the whole shall be to their use; and may be examined, mitigated, or remitted in like manner, and under the like conditions, regulations, and restrictions, as are prescribed, authorized, and directed by the act, entitled "An act to provide for mitigating or remitting the forfeitures, penalties, and disabilities, accruing in certain cases therein mentioned," passed the third day of March, one thousand seven hundred and ninety-seven, and made perpetual by an act passed the eleventh day of February, one thousand eight hundred.

Sec. 7. *And be it further enacted*, That nothing in this act contained shall be construed to forbid any commander or master of a public or private vessel of the United States, whilst in a foreign port or place, from supplying any deficiency of seamen on board such vessel by employing subjects of such foreign country, with the permission of the Government thereof.

Sec. 8. *And be it further enacted*, That the provisions of this act shall have no effect or operation with respect to the employment, as seamen, of the subjects or citizens of any foreign nation, which shall not have forbidden on board her public and private vessels the employment, as seamen or otherwise, of native citizens of the United States; or who shall permit the commanders of her public vessels to impress or take away from on board any vessel, sailing under the flag of the United States, any seaman or any other person, not being a soldier, or otherwise, in the employment of an enemy of such nation.

Sec. 9. *And be it further enacted*, That nothing in this act contained shall be so construed as to prevent any arrangement between the United States and any foreign nation, which may take place under any treaty or convention, made and ratified in the manner prescribed by the Constitution of the United States, and by which the reciprocal employment, as seamen, of citizens or subjects of the two countries, may, in the instances and manner provided by such treaty or convention, be permitted.

Sec. 10. *And be it further enacted*, That no person, who shall arrive in the United States, from and after the time when this act shall take effect, shall be admitted to become a citizen of the United States, who shall not, for the continued term of five years next preceding his admission as aforesaid, have resided within the United States, without being, at any time, during the said five years, out of the territory of the said States.

The bill was twice read and referred.

Mr. Grundy moved that the bill be made the order of the day for Monday.

Mr. Seybert said, the time mentioned by the gentleman from Tennessee was too short to allow members, who, for the first time, at this moment were allowed a knowledge of the provisions of the bill—the principle seemed one of too much importance to be hastily acted on. It concerns, said he, not only this nation, but all civilized mankind. The principles of the report of this day were so much at war with those reported by the same committee at the last session, that it was impossible for him to reconcile them—time was necessary to understand this subject. Mr. S. said, this was the first report we have received from the Committee on Foreign Relations during the present session. They probably were maturing their schemes for more than two months. Is it fair to expect that the members of this House could be prepared to act on them definitively in the course of two days? He doubted the constitutionality of the measure; to him it seemed the very error of the moon. He must again and again consult his pillow, before he could be brought to vote in favor of the passage of the bill. Perhaps he might consider it a duty to offer some remarks, whether or not. Wednesday was a short time to ask of the House. He moved to consider it on that day.

Mr. Grundy said it was not his intention at this time to defend the bill, or to make any observations in reply to the remarks and insinuations thrown out against the committee, of which he had the honor to be one. When the subject should come before the House, he would put himself on this House and the country for the correctness of that report and of the bill. Whatever others might say, he would support a measure which he believed essential to the interests of the country. He wished the gentleman had reflected a little before he ventured, without knowing anything at all of the subject, to denounce the bill reported by the committee. On this subject, Mr. G. said, he felt no disposition to accommodate gentlemen who, without having examined, were prepared to condemn the bill. The committee which reported the bill, he assured the gentleman and the House, were not to be intimidated from supporting it; they were willing to stake themselves on the consequences which would grow out of the bill. Mr. G. concluded by expressing his anxiety that this bill, on which he conceived so much to depend, should come before the House at an early day.

Mr. Seybert in reply said, he was willing to give the necessary despatch; he was not unreasonable in his request; the printing cannot be done in time. As to his understanding the subject, the gentlemen from Tennessee was out of place in his remarks; he said when he was up before, that he did not understand how to reconcile the present report with that of the last session; he feared he saw too plainly the tendency of the measure now proposed, and he concluded by persisting in his motion.

Mr. Wright spoke warmly in favor of a postponement of the question to Wednesday. He wished, as the committee had taken since the 4th of November, to make up their report, they would at least give the House three days to consider.

Mr. Grundy having withdrawn his opposition to the postponement of the bill to Wednesday, it was made the order of the day for that day.

Mr. Golsborough moved to refer the report to the same committee, that, being a statement on which the bill was predicated, it might proceed *pari passu* with the bill, and receive a like examination.

Mr. Grundy moved that it lie on the table, as it merely embraced the reasoning of the committee which had led to the conclusions they had reported.

The report was ordered to lie on the table, and five thousand copies were ordered to be printed.

PLASTER OF PARIS.

Mr. KENT offered for consideration the following resolution; observing, that as it merely proposed an inquiry, he did not expect it would meet with any objection:

"*Resolved*, That the Committee of Ways and Means be instructed to inquire into the expediency of remitting the penalties of the non-importation law, in favor of all importations of plaster of Paris, which may be made, whether in neutral or American vessels.

Mr. BAKER spoke in favor of the resolution at considerable length.

Mr. BLACKLEDGE, Mr. RHEA, and Mr. MCKIM, opposed the resolution, as aiming a blow at the non-importation act, which they were disposed religously to enforce.

Mr. KENT defended his proposition, as merely for an inquiry on a subject very interesting to the agricultural interest in some parts of the country.

The resolution was eventually rejected. For the motion 51, against it 56, as follows:

YEAS—Willis Alston, jr., Stevenson Archer, John Baker, William W. Bibb, James Breckenridge, Elijah Brigham, William A. Burwell, John C. Calhoun, Epaphroditus Champion, Langdon Cheves Martin Chittenden, John Davenport, junior, William Ely, James Emott, Asa Fitch, Thomas R. Gold, Charles Goldsborough, Edwin Gray, Thomas P. Grosvenor, Aylett Hawes, John M. Hyneman, Richard Jackson, jr., Joseph Kent, Philip B. Key, Lyman Law, Joseph Lewis, jr., William Lowndes, Archibald McBryde, Samuel McKee, Jonathan O. Moseley, Joseph Pearson, Timothy Pitkin, jr., James Pleasants, jr., Elisha R. Potter, Josiah Quincy, John Randolph, William Reed, William M. Richardson, Henry M. Ridgely, Daniel Sheffey, John Smith, Richard Stanford, Lewis B. Sturges, Samuel Taggart, John Taliaferro, Benjamin Tallmadge, Peleg Tallman, Uri Tracy, Laban Wheaton, William Widgery, and Thomas Wilson—51.

NAYS—William Anderson, David Bard, Burwell Bassett, William Blackledge, Adam Boyd, William Butler, Francis Carr, James Cochran, John Clopton, Lewis Condict, William Crawford, Richard Cutts, Roger Davis, Joseph Desha, Samuel Dinsmoor, Elias Earle, William Findley, James Fisk, Meshack Fr nklin, Thomas Gholson, Isaiah L Green, Bolling Hall, Obed Hall, John A. Harper, Jacob Hufty, Richard M. Johnson, William R. King, Abner Lacock, Peter Little, Nathaniel Macon, Thomas Moore, William McCoy, Alexander McKim, Arunah Metcalf, James Morgan, Hugh Nelson, Anthony New, Thomas Newton, Stephen Ormsby, Israel Pickens, William Piper, Benjamin Pond, Samuel Ringgold, John Rhea, John Roane, Jonathan Roberts, Ebenezer Sage, Thomas Sammons, Samuel Shaw, George Smith, William Strong, George M. Troup, Charles Turner, jr., Robert Whitehill, Richard Winn, and Robert Wright—56.

ARMING AND CLASSING THE MILITIA.

The House resumed the consideration of the bill supplementary to the act for arming the militia, and for classing the same.

Mr. FITCH moved to strike out all that part of the bill which provides for the classing the militia of the United States.

Mr. ELY said that he was totally opposed to the classification of the militia; that it had been pressed upon us from year to year, by gentlemen from the Southern section of the Union, he knew not why; that he thought the effects of the measure in rendering the militia efficient, for Constitutional purposes, were very trifling and unimportant. From some cause or other, the militia in the Southern States are very little improved, and gentlemen seemed to imagine that classification was to supply the place of arms, of organization, of discipline, of everything. This would not prove to be the case. He said that the laws heretofore made had proved in the Northern States, particularly in Massachusetts, abundantly sufficient to answer all the purposes of forming an efficient militia; but they have been followed up by State regulations which had been enjoined by penalties sufficiently severe. These, he had understood, had been in a great measure neglected in the South, and this was the reason that the militia were so imperfect; and if the States would not enforce those laws, he had no idea they would enforce this. The sums expended on the militia in Massachusetts, both from the public treasury and by private individuals, is very great—that State has furnished more than sixty artillery companies, with their pieces, ammunition carriages, and everything appurtenant to them, complete; the artillery and cavalry are completely uniformed and equipped, and are required so to be by law; for the greater part, the infantry are in uniform complete, are well armed, and are equal in all respects to any militia in the world. That this classification would add to their burdens, and they had already burdens enough; that it would be an insidious thing, and so considered by the militia, and go to destroy the harmony of the militia corps. That if gentlemen in the South thought it would be useful, let their State governments, who were the best judges, adopt as much of it as they pleased. No one would object to that, if they did not interfere with existing regulations. All will acknowledge that the State governments have it in their power, and it has been, in some form or other, exercised by some of the States, and particularly by Pennsylvania—this measure will interfere with their favorite mode. He said he was disposed to have the militia in the South improved, but he prayed gentlemen not to adopt a measure calculated to injure one part of the militia more than it would benefit the other; he hoped the provisions for classing the militia would be stricken out of the bill.

Mr. WILLIAMS and Mr. STOW opposed the motion.

The question was decided by yeas and nays: For striking out 58, against it 65, as follows:

YEAS—Ezekiel Bacon, Abijah Bigelow, Harmanus Bleecker, Adam Boyd, Elijah Brigham, Robert Brown, William A. Burwell, William Butler, Epaphroditus Champion, Martin Chittenden, Thomas B. Cooke, John Davenport, jr., Roger Davis, William Ely, James Emott, Asa Fitch, Thomas Gholson, Thomas R. Gold,

Peterson Goodwyn, Thomas P. Grosvenor, Aylett Hawes, Jacob Hufty, John M. Hyneman, Richard Jackson, jr., Joseph Lewis, jr., Aaron Lyle, James Morgan, Jonathan O. Moseley, Hugh Nelson, William Piper, Timothy Pitkin, jr., Elisha R. Potter, Josiah Quincy, John Randolph, William Reed, William M. Richardson, Jonathan Roberts, Thomas Sammons, Daniel Sheffey, George Smith, Lewis B. Sturges, Samuel Taggart, John Taliaferro, Benjamin Tallmadge, Uri Tracy, Laban Wheaton, Leonard White, and Thomas Wilson—48.

Nays—Willis Alston, jr., William Anderson, Stevenson Archer, Daniel Avery, David Bard, Burwell Bassett, William W. Bibb, William Blackledge, James Breckenridge, Francis Carr, Langdon Cheves, James Cochran, John Clopton, Lewis Condict, William Crawford, Richard Cutts, John Dawson, Joseph Desha, Samuel Dinsmoor, Elias Earle, William Findley, James Fisk, Meshack Franklin, Edwin Gray, Isaiah L. Green, Bolling Hall, Obed Hall, Richard M. Johnson, Joseph Kent, William R. King, Abner Lacock, Peter Little, William Lowndes, Nathaniel Macon, Thomas Moore, Archibald McBryde, William McCoy, Alexander McKim, Arunah Metcalf, Anthony New, Thomas Newton, Stephen Ormsby, Joseph Pearson, Israel Pickens, James Pleasants, jr., Henry M. Ridgely, Samuel Ringgold, Thomas B. Robertson, John Rhea, John Roane, Ebenezer Sage, Ebenezer Seaver, Adam Seybert, Samuel Shaw, John Smith, Richard Stanford, Philip Stuart, Silas Stow, William Strong, Peleg Tallman, George M. Troup, Charles Turner, jr., David R. Williams, Richard Winn, and Robert Wright—65.

Sundry other amendments were proposed to the bill, some of which were adopted and others negatived. Among those agreed to, was one moved by Mr. Williams, authorizing the establishment of four additional armories.

The bill was then ordered to be engrossed for a third reading.

Saturday, January 30.

A new member, to wit: from North Carolina, William Kennedy, elected to supply the vacancy occasioned by the death of Gen. Thomas Blount, appeared, was qualified, and took his seat.

Mr. Gholson, from the Committee of Claims, presented a bill for the relief of Edward Kean and Aquila Deaver; which was read twice, and committed to a Committee of the Whole on Monday next.

A message from the Senate informed the House that the Senate have passed the bill "giving the right of pre-emption, in the purchase of lands, to certain settlers in the Illinois Territory," with an amendment; in which they desire the concurrence of this House.

ARMING THE MILITIA.

The bill supplementary to the act for arming the whole body of the militia, and for classing the same, was read the third time.

Mr. Quincy, of Massachusetts, said that he rose with no hope of changing a vote; that the subject had been sufficiently canvassed now, and formerly, by himself and others; and that he had no other intention in rising than to bear testimony against the classifying principle contained in this bill, and to express his belief and his hope that the people of the Northern States, particularly of Massachusetts, would treat that classifying principle precisely as the people of the Southern States had treated the old militia law of the United States, in relation to arming their militia, with utter neglect. At every Constitutional peril he trusted that such an attempt would be evaded.

Mr. Q. said it was curious and alarming to see gentlemen, who admit their own militia to be worth little, and also admit that our Northern militia is worth much, instead of attempting to adapt our system to their exigencies, are attempting to wrest our practical system to their speculative theories.

Mr. Q. said it was an objection to him, if it were not to others, that this was a French system; that it was a tyrant's system, and not suited, nor could be adapted to those old principles of Saxon liberty, on which the Constitutions of this country are built.

Mr. Q. said that he did not know as there was any difference between him and the friends of the bill, as to the efficiency of the system, considered as a mode of obtaining a subservient military force, suited for all times and purposes. The difference between them, he said, was this, that they deemed the militia capable of being turned into a mere instrument of power—whereas he did not believe in any such thing. The resulting force might be called a conscription, Imperial guards, or the like, but it was not a militia.

The great object, Mr. Q. said, was to place, in the first instance, all the youth of the nation at the command of the Executive, as a disposable force, to march anywhere, and do anything for which any Congress may pass a law. It is perfectly well understood that the young men, once carried into the field, and deprived of their guardians and friends, and perhaps dragged away a hundred or a thousand miles from their homes, may be wrought into the temper and character of a soldiery very easily. Ignorant of the world and their rights, and fascinated by the hopes of glory, they will, with facility, be turned into the tools of ambition. This is the example of France—and its effect upon the happiness and liberties of that country, said Mr. Q., is warning enough for me. I agree, that without the classifying principle, Bonaparte would not have found the French population such convenient tools. But it is yet to be shown that had he limited his purposes to mere self-defence, to guard French altars and hearths, that a militia, organized as is the militia of Massachusetts, would not have been sufficient for the purpose. My own opinion is, it would have been ample for that object.

Mr. Q. said that it had become very fashionable of late to decry the militia. For his part, he neither wished to elevate it far above, or suffer it to be depressed very far below the real state of that system. He considered the state of the militia of Massachusetts to be about where it ought to be—adequate to all the exigencies of

the defence of their altars and hearths, in the present condition of the society in which we are found.

It is efficient for every necessary purpose, with the exception, perhaps, of our seaboard and cities, which are exposed to predatory incursions; partly owing to their extent, and partly owing to the neglect of the General Government, to which that protection is intrusted; except in this respect, we are safe in Massachusetts. We have nothing to fear from any external force. We sleep in security under our own militia shield.

After this bill passes, three effects will result. There are others, but I shall notice only these. First.—The young men will be disgusted, and rendered willing to evade exposure to militia duty. At the period between eighteen and twenty-one, the destinies of the young men are shaped more distinctly than at any other period. They will feel the peculiarity of their exposure. Instead of a lot among all classes of active citizens between eighteen and forty-five, as at present exists, it will a lot among a very small class between eighteen and twenty-one. The difference of the chance is immense, and cannot fail of creating disgust to the service in the young mind.

Second.—The parents will be also disgusted and apprehensive. Their sons will be subject to be called from them, and put at the disposal of the Executive, under circumstances peculiarly calculated to excite parental apprehension. Instead of being mingled with the old and middle aged, and associated with them in the ranks, under whose care they might be placed, and to whose guardianship they might be intrusted, the young conscripts will be removed from their parents, and collected in bodies, composed of youths of their own age, and exposed to all the vices and temptations of a camp, at a period of life peculiarly subject to be misled by the artifice of officers, whose business it may be to fascinate the young mind and render it subservient to the purposes of ambition.

Third.—It renders the militia less efficient for the purpose for which it is designed and for which it ought to be used. The object of the militia is self-defence. It is impossible but that our young men should go to the field with less alacrity if they were carried there, in a body, unaccompanied and unsupported by the other ages of society. The great strength of the militia system, and which stands it instead of discipline, must, from the nature of things, result from this circumstance—that sons, brothers, and fathers, the old and young, the rich and the poor, are formed and associated in one phalanx in defence of their household goods. This system of classification deprives the militia of all the advantages derived from the sympathies of this association. It is impossible but that on this account the efficient force of the militia, for its legitimate objects, should not by classification be diminished. It might be good for Frenchmen; and good for foreign conquest; and good for corruption; but it is bad for self-defence, and bad for Americans.

Mr. ROBERTSON replied to Mr. QUINCY, and advocated the bill.

Mr. TALLMADGE followed, in opposition to the bill.

Mr. WRIGHT and Mr. STOW spoke in support of the bill, and Mr. BIGELOW against it.

Mr. NELSON opposed the bill, on the ground that it is not so constructed as to satisfy the various and conflicting interests of the different sections of the Union, and from his dislike to the provision authorizing substitutes, &c., although approving the additional provision for arming the militia; and concluded by moving to recommit the bill to the Committee of the Whole for amendment.

The question on recommitment was negatived. For recommitment 46, against it 51.

Mr. RHEA supported the passage of the bill.

Mr. WILLIAMS followed in support of the bill, and in reply to Mr. QUINCY and Mr. TALLMADGE.

The question on the final passage of the bill was then taken by yeas and nays, and carried—yeas 67, nays 48, as follows:

YEAS—William Anderson, Stevenson Archer, John Baker, David Bard, Burwell Bassett, William W. Bibb, William Blackledge, James Breckenridge, William Butler, Langdon Cheves, James Cochran, John Clopton, Lewis Condict, William Crawford, Roger Davis, John Dawson, Joseph Desha, Elias Earle, James Fisk, Meshack Franklin, Edwin Gray, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, Richard M. Johnson, Joseph Kent, William Kennedy, William R. King, Abner Lacock, Joseph Lewis, jr., Peter Little, William Lowndes, Nathaniel Macon, Thomas Moore, Archibald McBryde, William McCoy, Samuel McKee, Alexander McKim, Arunah Metcalf, Jeremiah Morrow, Thomas Newton, Stephen Ormsby, Joseph Pearson, Israel Pickens, James Pleasants, jr., John Randolph, John Rhea, Henry M. Ridgely, John Roane, Jonathan Roberts, Thomas B. Robertson, Ebenezer Sage, Lemuel Sawyer, Ebenezer Seaver, John Sevier, Adam Seybert, Samuel Shaw, Richard Stanford, Silas Stow, Philip Stuart, George M. Troup, Charles Turner, jr., David R. Williams, Thomas Wilson, Richard Winn, and Robert Wright.

NAYS—Ezekiel Bacon, Abijah Bigelow, Harmanus Bleecker, Adam Boyd, Elijah Brigham, Robert Brown, William A. Burwell, Epaphroditus Champion, Martin Chittenden, Thomas B. Cooke, John Davenport, jun., William Ely, James Emott, William Findley, Asa Fitch, Thomas Gholson, Thomas R. Gold, Charles Goldsborough, Peterson Goodwyn, Thomas P. Grosvenor, John A. Harper, Aylett Hawes, Jacob Hufty, John M. Hyneman, Richard Jackson, jr., Lyman Law, Aaron Lyle, James Milnor, James Morgan, Jonathan O. Moseley, Hugh Nelson, William Piper, Timothy Pitkin, jr., Peter B. Porter, Elisha R. Potter, Josiah Quincy, William Reed, William M. Richardson, Thomas Sammons, George Smith, Lewis B. Sturges, Samuel Taggart, John Taliaferro, Benjamin Tallmadge, Peleg Tallman, Uri Tracy, Laban Wheaton, and Leonard White.

CONSTITUTION AND GUERRIERE.

The engrossed bill providing compensation to Captain Hull, and the officers and crew of the frigate Constitution, for the capture and destruc-

tion of the British frigate Guerriere, was read a third time.

[The bill authorizes a grant of $50,000.]

Mr. McKEE opposed the passage of the bill, on the ground that the President has no authority to expend the public money in gratuitous grants to individuals.

Mr. SAWYER stated, that he wished to make some remarks in reply to Mr. McKEE, but, from the lateness of the hour, and an indisposition with which he was oppressed, it was not now in his power. He therefore moved an adjournment, which was carried—ayes 54.

MONDAY, February 1.

Mr. SEAVER presented a petition of Benjamin Waterhouse, medical doctor, of Boston, stating that he is willing, and wishes to undertake the inoculation of the Army of the United States with the "kine-pock inoculation," and praying the aid and patronage of Congress in that undertaking.—Referred to the Committee on Military Affairs.

Mr. MORROW, from the Committee on the Public Lands, reported a bill giving further time to the purchasers of public lands to complete their payments; which was read twice, and committed to a Committee of the Whole to-morrow.

The amendment of the Senate to the bill "giving the right of pre-emption, in the purchase of lands, to certain settlers in the Illinois Territory," was read, and concurred in by the House.

A message from the Senate informed the House that the Senate have passed two bills: one "for tha relief of Washington Lee," and the other "for the relief of Reuben Attwater;" in which they desire the concurrence of this House.

The bill from the Senate "for the relief of Washington Lee" was read twice, and referred to the Committee of Claims.

The bill from the Senate "for the relief of Reuben Attwater" was read twice, and referred to the same committee.

PENNSYLVANIA RESOLUTIONS.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of Representatives of the United States:

At the request of the Legislature of Pennsylvania, conveyed through the Governor of that State, I transmit to Congress copies of its resolutions of the 16th of December, 1812. JAMES MADISON.

JANUARY 30, 1813.

The resolutions are as follow:

Viewing the present state of our foreign relations, we, with astonishment and regret, behold the Emperor of the French withholding from our country those indemnifications which ought to have been rendered with liberality and promptness. After the aggressions of Great Britain had, by long continued practice, been regarded by her Government as right, after the forbearance of the American Government had assumed the appearance of cowardice, war is reluctantly, unavoidably, but decisively declared. Animated by the most sincere love of peace, the President of the United States in the same despatch announces to the British Government the existence of war, and the equitable easy, and honorable means, by which its progress might be arrested, and its calamities permanently prevented; but this extraordinary proof of a humane and pacific disposition is treated with contempt. Familiarized with the slaughter of man around the globe, the British Government prefer the effusion of human blood to a suspension of the inhuman practice of impressment, even during the short space of an armistice agreed on for the purpose of negotiating a just and honorable peace; nay, notwithstanding the offer made by the Government of the United States to exclude British subjects from our merchantmen, and Navy. But what atrocities are too enormous to be found in that Government, whose characteristical features are cruelty and perfidy, which stimulates the savage to drench his tomahawk and scalping knife in the blood of our frontier men, women, and infants; which, making the most solemn professions of friendship and peace strives by the malignant breath of its secret emissaries to kindle in our nation dissatisfaction, discord, rebellion, and civil war, with all their sanguinary and horrible consequences! Thus is extinguished in the American Government, and in every American bosom, the last hope of finding in the conduct of Great Britain towards the United States a single voluntary act of justice or humanity. Impressed with these considerations, and with others of a collateral and subordinate nature, we the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met do adopt the following resolutions:

Resolved, That the declaration of war against the United Kingdom of Great Britain and Ireland, issued by the General Government on the 18th of June last was the result of solemn deliberation, sound wisdom and imperious necessity.

Resolved, That the sword being drawn, should never be sheathed till our wrongs are redressed, our commerce unfettered, and our citizens freed from the danger of British impressment in the floating dungeons of the British navy, and the painful necessity of fighting the battles of an inveterate enemy, against the fathers, their brethren, their native country, and their friends.

Resolved, That, to exert all the energies of his body and of his mind, and to devote his property to bring the existing war to a speedy, just, and honorable issue and to teach our insolent foe that the Americans are as free from timidity, and weakness in battle, as from covert and disguise in negotiating, is a duty which every citizen of the Union owes to himself, to his country and to his God.

Resolved, That with painful regret we contemplate the refusal by the Executive authorities of some of the States in the Union to furnish, on the President's demand, their quota of militia for the defence of the sea coast; and that with confidence we expect from the National Legislature a prompt attention to this alarming and unprecedented occurrence.

Resolved, That the promptness and the zeal with which the Governor of this Commonwealth executed the military orders of the President, since the commencement of hostilities, entitle him to the gratitude of this General Assembly of Pennsylvania, and of the nation.

Resolved, That the Governor of this Commonwealth be instructed to transmit a copy of these resolutions

he President of the United States, with a request that ie communicate them to Congress.

JOHN TODD, *Speaker of the House.*
P. C. LANE, *Speaker of the Senate.*

YAZOO CLAIMS.

Mr. MORROW, from the Committee on the Public Lands, to whom was referred the bill from the Senate "to carry into effect the report made to Congress, in February, 1803, by James Madison, hen Secretary of State; Albert Gallatin, Secretary of the Treasury; and Levi Lincoln, Attorney General of the United States—commissioners ippointed in pursuance of the act, entitled 'An ict for an amicable settlement of limits with the State of Georgia, and authorizing the establishment of a government in the Missisippi Territory, n obedience to the provisions of the act supplemental to the last mentioned act"—made a report; which was read, and, together with the bill, committed to a Committee of the Whole on Friday iext. The report is as follows:

That, after a careful investigation of the subject, and examination of the provisions of the bill referred to hem, the committee deem it their duty to present a particular view of the subject only so far as the United States are at present concerned in its decision. Had he committee possessed the means of correct information, they had not the leisure, nor did they believe that any practical good would result from any general exposition they could present of the circumstances attending the case from its origin. They have, therefore, viewed the subject in the aspect and on the ground upon which it has been placed by the former acts of he Government in relation to it. The committee, herefore, give no opinion on any of the questions that iave been agitated respecting the competency of the Legislature of Georgia to dispose of the unappropriated territory in that State, or the validity of the act or pretended act of the 7th of January, 1795, purporting o alienate the right of soil to great extent of such territory, nor respecting the effect of the rescinding act passed by a subsequent Legislature. The necessity of a legislative decision on these questions appears to e superseded by prior conventional and legislative acts of the Government. The agreement and articles of cession between the State of Georgia and the United States, confirmed by a legislative act of the one, and assented to by the Legislature of the other, the subsequent act of Congress appropriating and providing for he disposal of the lands acquired by the cession, and he several after acts providing for the sale of lands in he Mississippi Territory, all proceed on the ground hat the act or pretended act of the State of Georgia, of he 7th of January, 1795, was not valid to give title. Although every act of the Government in relation to he subject is predicated on the invalidity of the said act or pretended act, yet it would appear that the articles of cession from Georgia, the report of the Commissioners to Congress, and the subsequent act of Congress appropriating the lands received by that cession, would all seem to recognise in the present claimant an equitable claim to some compensation.

The articles of agreement and cession, after having made specific provision for several species of claims, provided a fund of five millions of acres of land, to be placed at the disposal of Congress, "for the purpose of satisfying, quieting, or compensating for any claims other than those before recognised, which may be made to the said lands, or to any part thereof." The existence of the claims in question was made known to the Commissioners who concluded the agreement, and, as no excluding provision was introduced with respect to them, the inference is pretty obvious, that those claims came within the contemplation of the Commissioners, and were designed to be provided for.

The Commissioners of the United States who concluded the aforesaid agreement with those of Georgia, in their report to Congress, recommend these claims to the consideration of the Legislature, and state, in relation to them, that "various equitable considerations, which may be urged in favor of most of the present claimants, render it expedient to enter into a compromise on reasonable terms."

The act of Congress "regulating the grants for land, and providing for the disposal of the lands of the United States south of the State of Tennessee," approved on the 3d of March, 1803, which appears to have been passed in pursuance of the articles of agreement and of the aforesaid report, by the eighth section provided "that so much of the aforesaid five millions of acres should be appropriated, as might be necessary to satisfy certain classes of claims not recognised by the articles of cession; and so much of the residue of the five millions of acres, or of the net proceeds thereof, as may be necessary for that purpose, are thereby appropriated for the purpose of satisfying, quieting, and compensating for such other claims to the lands of the United States south of the State of Tennessee, not recognised in the above-mentioned articles of agreement, and which are derived from any act or pretended act of the State of Georgia, which Congress may hereafter think fit to provide for." The language made use of by the Legislature, in appropriating the residue of the five millions of acres placed at their disposal, appears to be descriptive of the claims in question.

Congress, then, in the opinion of the committee, are at liberty, in conformity with the articles of agreement and their own act, either to apply the aforesaid lands, or any part of them, or the proceeds thereof, for the purposes proposed by the bill under consideration, or to withhold them, as to them may appear proper. How far it would now be for the public interest to quiet claims that may interfere with grants made, or to be made, by the United States, is a consideration of expediency alone; the decision must also rest on the opinion that may be formed of the equity or want of equity in the claims of the present claimants. The committee think proper to state, that a gentleman, in the character of an agent for many of the present claimants, produced to them several powers of attorney and letters, which, although they do not give positive assurance, yet give a reasonable ground of expectation that the present claimants will generally consent to compromise their claims on the terms proposed by the report of the Commissioners. In case the House shall think proper to authorize a compromise of the claims in question, by passing the bill under consideration, the committee would recommend a modification of the terms originally proposed by the Commissioners, and assumed as the basis of compromise by the bill, as passed by the Senate. According to the agreement with Georgia, five millions of acres constituted the whole fund applicable to the satisfaction of claims not recognised by that agreement. It has not been ascertained (nor can it be with precision) what quantity of those lands have already been appropriated by Congress. The residue applicable to

the satisfaction of the claims in question is conjectural in quantity and value; and, in the absence of other objections to the commuting of this *residue* for a specific sum in money, that uncertainty would form one of considerable weight. It appears to the committee that the alternatives proposed to the option of the claimants, by the report, are not equal; that if the land should be located in the manner provided, and be brought into market at the same time with other lands, the proceeds arising from the sales would not discharge the interest and redeem the principal of two million five hundred thousand dollars, to which amount the certificates are proposed to be issued. In making the compensation proposed, Congress ought not to transcend the fund placed at their disposal for the purpose. If the estimate of the committee be correct, the fund would be overdrawn by the issue of certificates. If they should be incorrect, and the land be of equal value, then it should be equally acceptable to the claimants as the certificates; and, in that case, no injury would arise in confining their compensation to land alone. The committee, therefore, recommend a modification of the terms, and will report an amendment accordingly.

The sixth section of the bill provides that the United States shall sue for and recover such parts of the original purchase money as have been improperly withdrawn from the treasury of Georgia; which provision the committee consider exceptionable, and have proposed a substitute.

Amendments proposed.

SEC. 2. After the word "lands," in the second line, insert "the evidence of claim to which shall have been exhibited to, and recorded in the office of, the Secretary of State." Same line, after the word "exhibited," strike out the word "to;" and after "recorded," strike out "in the office of the Secretary of State."

SEC. 3. Insert after the word "aforesaid," in line ten, the following: "in so far as the said terms proposed as the basis of compromise contemplate an indemnity in lands to the claimants. But it shall be understood, and is hereby expressly provided, that no alternative shall be offered or given to the claimants, or any of them, to receive certificates, with interest or without interest, at their option, in lieu of the lands proposed; and the indemnification authorized by this act shall be allowed to the claimants in land only, and to the amount and in the manner by the aforesaid terms proposed."

SEC. 4. Strike out, after the word "report," inclusive, in the sixth line, to the end of the section, and insert in lieu thereof "provisions of this act."

SEC. 6. Strike out from the word "aforesaid" to the end of the section, and insert in lieu thereof, "shall be holden and liable to refund and pay such sum or sums of money, so had and received, as aforesaid, to the person or persons at present claiming the lands for which such sum or sums, so had and received, were originally paid into the treasury of Georgia; and any right, interest, or claim, which the United States have had or now have to demand, sue for, and recover the said sum or sums of money, so received and withdrawn from the treasury of Georgia, shall be and is hereby transferred to and vested in the present claimant or claimants of such lands, as aforesaid, for the purpose of enabling him or them to demand, sue for, and recover the sum or sums of money aforesaid, from the person or persons, or any of them, who shall have received or withdrawn the same from the treasury of Georgia in the manner aforesaid. And the lan which the said present claimant or claimants shall may receive from the United States, for compensati or indemnity of his or their claims, shall not be holde or adjudged in bar of his or their right to demand, s for, and recover the sum or sums of money aforesa And the Commissioners, in awarding the dividends any of the present claimants who shall have the rig to sue for and recover the sum or sums aforesaid, sha deduct from the dividend he or they would otherwi be entitled to a quantity of land equal in value to t sum or sums of money as aforesaid, which the sa Commissioners shall judge such claimants may recove making a reasonable allowance for cost.

CONSTITUTION AND GUERRIERE.

The House resumed the order of the day the bill making compensation to the officers a crew of the Constitution for the destruction the frigate Guerriere. The bill being on its thi reading—

Mr. SAWYER spoke in support of the bill, a in reply to Mr. MCKEE.

Mr. DAWSON.—Mr. Speaker: The bill which now on your table, and which I hope will soo receive your signature, was drawn from a res lution, or rather the part of a resolution which had the honor to offer you at the very com mencement of the session.

When I offered you that resolution, I did hop and I did believe that it would have received th immediate attention and unanimous approbatio of this House; that regardless of those punctilio which too often shackle the best intentions, an do injury to the best causes, and in compliance with the sentiments and feelings of the natio we should have immediately expressed our ow thereby giving force to that expression, and hav rendered that tribute which is justly due to us daunted valor, and to modest merit; that w should have declared our admiration, and th high sense we entertain of the gallant conduct o the defenders of their country's flag, and the d fenders of her rights, and while we gave to som testimonials of our approbation, we should hav yielded to all that which is justly due.

In this expectation I have been wofully disap pointed; doubts, difficulties, and delays hav taken place; commitment has succeeded com mitment, and so many amendments, or rathe alterations, have been made to the original res lution, that I can scarcely call it my own; it ha received the fostering care of so many step-fa thers that I am almost constrained to disown as illegitimate; but as it is natural to protec that which we call "our own," although all th features do not please us, so I shall vote for tha bill although all its provisions do not please m

Some gentlemen, with a liberality which neither envy, nor shall I imitate, are willing t load those brave tars with all the praise, with a the applause, which the pride of language ca bestow, or which a resolution written on pape gilded with gold can confer; and, becoming thei own judges, they think *that* ample compensa tion for all the hardships they have suffered, fo all the dangers they have encountered, for all th

nds they have received. With all the re-
t which I feel for these honorable gentlemen,
the high value which I set on their good
ion, I do not think it ample compensation to
brave and indigent tars who have boldly
ht your battles, and generously sacrificed
interest for your good; they merit some
substantial stuff than air; they have ac-
ed for you, sir, they have given to your ene-
something more substantial.
hers there are, who are well pleased to be-
on the brave officers who have distinguished
iselves, some testimonials of our approba-
—some insignia of their merit. With these
lemen I most perfectly agree, and most cor-
y voted in favor of the bill for that purpose.
while I remember the gallant captain who
dly steps the quarter-deck, I will not forget
ailor boy, "who whistles o'er the lee," or the
mariner who fathoms the deep, and on
n, when the battle rages, danger has no
effect than the foaming surge which sur-
ds him has on the hard rock, when it dashes
reaks against its side; they all, sir, are en-
to your applause and gratitude; they all
nd your justice; and to render that justice
object of the bill now on your table, as I
presently show, and which had it passed at
rlier period of the session, as I did expect it
d, your "Constellation" would not have lain
eeks within your view for the want of men,
s still, I believe, in your waters, but would
since have been at sea, and would have ad-
ew trophies to those already won.
e Secretary of the Navy, I mean the late
tary, in whose veracity and integrity I have
ighest confidence, who carries to his retire-
the best wishes of my heart, and under
e auspices this gallant exploit was achieved,
Commodore Hull, whose disinterestedness
only equalled by his valor, have informed
t "the Guerriere" when she went into ac-
vas worth two hundred thousand dollars,
at she had articles on board to the value
e hundred thousand dollars. She was one
finest frigates in the British navy, well
ed, and commanded by one of their most
enced and gallant captains! This ship,
igate, "the Constitution," of equal force,
ed, vanquished, and captured, after a short,
h one of the most brilliant actions recorded
naval history of any country; thereby
certain presages of future glory, and a
ter to our rising navy, coeval almost with
stence, and setting an example which other
s and crews, equally emulous of fame, have
imitated, and have obtained the same lau-
hich will never fade.
eeably to the act for the better government
Navy of the United States, the ship, with
icles on board her became their prize; they
have used it to their best advantage; they
have brought her into port, and divided
hole among themselves; but apprehensive
om the crippled state of the prize she
again fall into the hands of your enemy;
nay, sir, that your own frigate might be endan-
gered in protecting and convoying her, they with
that liberality, with that magnanimity which
marks the character of the sailor, determined to
destroy her, thereby sacrificing their interest for
your good.

And here, Mr. Speaker, let me ask what other class of men in our society can you find who would have acted thus nobly? I fear, sir, we shall search for them in vain. I am sure, sir, that we shall not find them among those who daily violate your laws, relieve your enemy of his surplus manufactures, or supply him with your provisions, and then come here and receive indemnification, remission for the crimes which they have committed.

And, sir, what is the mighty boon which these brave and indigent tars ask from you? or rather was it that I, in the name of justice, demanded for them?—it is one-sixth part in value of that property—of their property, which they have sacrificed for your good, rather than it should fall into the hands of your enemy. And will you refuse it? No, you will not, you cannot, you dare not. You will not, because every consideration of policy, and the best interest of our country, forbid it; you cannot, because every feeling which ennobles the human heart, and I think I know yours, forbids it; you dare not, because justice forbids it, and you dare not do an act so flagitious.

Mr. Speaker, during the very lengthy discussions which have taken place in this session, I have remained silent in my seat; this has not arisen from a supineness of disposition, or from an inattention to the public business, or the public welfare, but in the hope, that when gentlemen had exhausted all their eloquence, they would have permitted us to progress, and to place our country in the situation demanded by the crisis; and I should have indulged that disposition which I have to be silent, had not an attempt been made to deprive the brave and needy tars of that which is justly due to them; but under these circumstances I could not restrain my feelings, and have to regret that I cannot give to them that utterance which the occasion calls for.

I shall vote for the bill, although the blank has been filled with only half the sum which I wished, and which the Committee of the Whole did sanction; and although the incitement is but small, I trust that the day is not far distant when our ships will ride in security on the highway of nations, or snatch from its proud mistress that trident which she has so long usurped to the injury of unoffending nations, civilized and savage, and particularly of these United States; and when our merchant vessels will visit every quarter of the globe unmolested by British arrogance, or the arrogance of any other nation.

Mr. McKEE replied with considerable warmth.

Mr. STOW advocated the bill.

[The argument against this bill was that it would be setting a precedent which would be considered authoritative in future cases; that it was giving a donation for an act of duty only,

though gallantly performed. It was rewarding a service, which, had it been rendered on land, would have received no remuneration, as experience had proved in the case of the Tippecanoe expedition; and that it was contrary to justice to confer pecuniary rewards on one class of our citizens in exclusion of others. In favor of the bill, it was stated that the captured vessel, if she had been brought into port, would have produced six times the amount now proposed to be allowed to her; and that the captors ought not to incur a total loss from the destruction of the vessel, which the fear of her falling into the hands of the enemy had rendered necessary to the public service. It was urged, that if any *city* in the United States had to legislate on this subject, five times as much would have been awarded as is now proposed. All the gentlemen who spoke offered the tribute of their respect to the gallantry and conduct of the officers and seamen of our public vessels.]

The question on the passage of the bill was decided in the negative—yeas 55, nays 59, as follows:

YEAS—William Anderson, John Baker, Burwell Bassett, Abijah Bigelow, William Blackledge, Harmanus Bleecker, James Breckenridge, Langdon Cheves, Thomas B. Cooke, Lewis Condict, Richard Cutts, John Dawson, William Findley, Asa Fitch, Thomas Gholson, Thomas R. Gold, Charles Goldsborough, Edwin Gray, Isaiah L. Green, Thomas P. Grosvenor, Aylett Hawes, Joseph Kent, Lyman Law, William Lowndes, Archibald McBryde, James Milnor, Samuel L. Mitchill, Jonathan O. Moseley, Hugh Nelson, Anthony New, Thomas Newton, Joseph Pearson, Timothy Pitkin, jun., James Pleasants, jun., Peter B. Porter, John Randolph, William Reed, Wm. M. Richardson, Thomas B. Robertson, Thomas Sammons, Lemuel Sawyer, John Sevier, Adam Seybert, Daniel Sheffey, John Smith, Philip Stuart, Silas Stow, Lewis B. Sturges, Peleg Tallman, George M. Troup, Leonard White, William Widgery, Richard Winn, and Robert Wright.

NAYS—Willis Alston, junior, Stevenson Archer, Daniel Avery, Ezekiel Bacon, David Bard, Wm. W. Bibb, Elijah Brigham, Robt. Brown, William A. Burwell, William Butler, Francis Carr, Martin Chittenden, James Cochran, John Clopton, William Crawford, Roger Davis, Joseph Desha, Samuel Dinsmoor, Elias Earle, Wm. Ely, James Fisk, Meshack Franklin, Bolling Hall, Obed Hall, John A. Harper, Jacob Hufty, John M. Hyneman, Richard M. Johnson, Wm. Kennedy, William R. King, Abner Lacock, Joseph Lewis, jr., Peter Little, Aaron Lyle, Nathaniel Macon, William McCoy, Samuel McKee, Arunah Metcalf, James Morgan, Jeremiah Morrow, Thomas Newbold, Stephen Ormsby, Israel Pickens, Benjamin Pond, Elisha R. Potter, John Rhea, John Roane, Jonathan Roberts, Ebenezer Sage, Ebenezer Seaver, Samuel Shaw, George Smith, Richard Stanford, Wm. Strong, Charles Turner, jr., Laban Wheaton, Robert Whitehill, David R. Williams, and Thomas Wilson.

So the bill was rejected.

SALARIES OF HEADS OF DEPARTMENTS.

On motion of Mr. CHEVES, the House resolved itself into a Committee of the Whole on the bill to increase the salaries of the Secretaries of the War and Navy Departments.

Mr. C. then rose, and stated that the salaries of these officers heretofore had not been equal to those of the Secretaries of State and Treasury, probably because their duties had not been considered as arduous; but that now the duties of these officers had become equally arduous, they required equal talent, incurred equal responsibility with the other two officers, and were liable to equal expenses. It had been, therefore, thought by the Committee of Ways and Means, that the salaries of all the Secretaries ought to be placed on an equal footing. He moved to fill the blank in the bill for the amount of the salary with "five thousand dollars," the present salary of the Secretaries of State and Treasury.

After a few observations from Mr. FINDLEY in favor of the bill, the motion was agreed to by a very small majority.

Mr. RHEA moved to amend the bill by incorporating therein a provision for raising the salary of the Postmaster General of the United States from three thousand to "three thousand five hundred" dollars.

Mr. TALLMADGE moved to amend the amendment, so as to increase the salary of the Assistant Postmaster General to "two thousand dollars."—The motion was lost.

The question on Mr. RHEA's motion was then decided in the negative by a small majority.

The Committee rose and reported the bill; and the question being stated on concurrence with the Committee of the Whole on the principles of the bill—

Mr. RANDOLPH stated his objections to the measure. He was opposed to the bill, not because he did not believe the salaries, abstractly considered, with reference to the grade of talent which ought to grace these offices, might be too low, but because, compared with the salaries of the judges, and other officers of the United States, their salaries were, comparatively, already too high. He drew a comparison between the fate of this bill and of that just rejected for compensating the officers and crew of the Constitution, unfavorable to the decision of the House on these two cases. He was not for lavishing treasure on those who were basking in sunshine at home, and withholding with a niggardly hand the remuneration justly due to the merits and exploits of the latter.

Mr. CHEVES replied. He fully agreed with Mr. RANDOLPH that salaries of other officers were too low; but it was no reason against placing officers of the same grade on an equal footing that other officers were too low. The greatest objection to the present inequality of the salaries of the Heads of Departments was the inferiority which it implied in two of these officers to the other two, though all were placed in the Cabinet on an equal footing, &c. He, too, lamented the decision of the House which had just taken place, but it was no reason whatever against the measure now before the House.

Mr. RANDOLPH spoke in explanation, and added some other remarks to those he had before made. He particularly objected to an increase, at this

oment, of the salaries of those who had placed ie nation in its present situation. The equality f compensation would not place these officers on n equal footing. He contended that the one ould still take precedence of the other, in ridiclous imitation of the customs of foreign Courts. quality of salary would not place these officers r the same footing; it could not, as he said, ompensate for the inequality created by the inriority of intellect, supposing that to exist, &c.

Mr. CHEVES rejoined, and replied to some of Ir. RANDOLPH'S remarks.

Mr. BIBB spoke in favor of the bill, and stated at it had been reported without any reference personal considerations, for it had been laid efore the House before it was known what genemen were to fill these two offices.

The vote on concurrence with the Committee fixing the compensation at five thousand dolrs, was—for concurrence 50, against it 66, as llows:

YEAS—Willis Alston, junior, William Anderson, avid Bard, Burwell Bassett, William W. Bibb, Wm. lackledge, Harmanus Bleecker, James Breckenridge, obert Brown, John C. Calhoun, Langdon Cheves, hn Clopton, Lewis Condict, William Crawford, oger Davis, John Dawson, Elias Earle, William indley, James Fisk, Thos. Gholson, Isaiah L. Green, olling Hall, John A. Harper, Richard M. Johnson, seph Kent, William Kennedy, William Lowndes, homas Moore, Alexander McKim, Samuel L. Mitill, Jeremiah Morrow, Thomas Newton, Israel Pickis, James Pleasants, jun., Peter B. Porter, William . Richardson, Thomas B. Robertson, Ebenezer Sage, muel Sawyer, John Sevier, Adam Seybert, Daniel heffey, George Smith, John Smith, John Taliaferro, eorge M. Troup, David R. Williams, William Widry, and Robert Wright.

NAYS—Stevenson Archer, Daniel Avery, Ezekiel acon, John Baker, Abijah Bigelow, Adam Boyd, lijah Brigham, William A. Burwell, William Butler, rancis Carr, Epaphroditus Champion, Martin Chitnden, James Cochran, Thomas B. Cooke, Richard utts, John Davenport, jun., Joseph Desha, William ly, Asa Fitch, Meshack Franklin, Thomas R. Gold, harles Goldsborough, Edwin Gray, Thomas P. Grosnor, Obed Hall, Aylett Hawes, Jacob Hufty, Richd Jackson, jun., Philip B. Key, Lyman Law, Joseph ewis, jun., Peter Little, Aaron Lyle, Nathaniel Man, Archibald McBryde, Samuel McKee, Arunah etcalf, James Morgan, Jonathan O. Moseley, Hugh elson, Thomas Newbold, Stephen Ormsby, Joseph earson, Timothy Pitkin, jr., Benjamin Pond, Elisha Potter, Josiah Quincy, John Randolph, John Rhea, hn Roane, Jonathan Roberts, Thomas Sammons, benezer Seaver, Samuel Shaw, Richard Stanford, hilip Stuart, Silas Stow, William Strong, Lewis B. urges, Samuel Taggart, Benjamin Tallmadge, Peleg allman, Uri Tracy, Charles Turner, junior, Laban Wheaton, Leonard White, and Thomas Wilson.

Mr. CHEVES moved that the bill lie on the able.—The motion was lost.

The bill was then indefinitely postponed.

TUESDAY, February 2.

The House resolved itself into a Committee f the Whole on the bill to impose a duty on the importation of iron wire. The bill was reported without amendment, and ordered to be engrossed, and read the third time to-morrow.

The bill giving further time to the purchasers of public lands to complete their payments passed through a Committee of the Whole, and was ordered to be engrossed for a third reading.

The bill to increase the capital stock of the Bank of Washington passed through a Committee of the Whole, and was ordered to be engrossed for a third reading.

The bill to encourage vaccination (by appointing an agent to preserve the genuine vaccine matter, and to clothe him with the privilege of franking the same,) passed through a Committee of the Whole, and was ordered to be engrossed for a third reading.

The House then resolved itself into a Committee of the Whole, on the report of the select committee relative to the military lands due to the officers and soldiers of the Virginia line in the Revolutionary war on State establishment.

After some debate, the report of the committee, favorable to the granting the land therein referred to, was disagreed to.

The Committee rose and reported their disagreement thereto.

On the question of concurrence, considerable debate arose, and the House adjourned without having come to any decision.

The principal speakers were, in favor of the claim or right of the officers and soldiers, Messrs. NELSON, RANDOLPH, GHOLSON, and others; and against them, Messrs. GOLD, WRIGHT, and others.

WEDNESDAY, February 3.

Mr. GHOLSON, from the Committee of Claims, reported the bill from the Senate "for the relief of Washington Lee," without amendment; the bill was then committed to a Committee of the Whole to-morrow.

Mr. CHEVES, from the Committee of Ways and Means, presented a bill regulating foreign coins, and for other purposes; which was read twice, and committed to a Committee of the Whole to-morrow.

Mr. RHEA, from the Committee on the Post Office and Post Roads, presented a bill in addition to an act regulating the Post Office Establishment; which was read twice, and committed to a Committee of the Whole to-morrow.

On motion of Mr. LACOCK, the Committee of Commerce and Manufactures were instructed to inquire into the expediency of bringing in a bill in confirmation of an act of the Legislature of Pennsylvania, establishing a Board of Wardens, and regulating pilots and pilotage, for the port of Philadelphia.

The House proceeded to consider the report of the Committee of the Whole on the report of the select committee, touching the claims of the officers and soldiers of the Virginia line of the Revolutionary army to bounty lands; and, on motion, the report was ordered to lie on the table.

On motion of Mr. WIDGERY, a committee was

appointed to consider the expediency of altering the time of holding the district court of the United States for the district of Maine, now holden at Wiscassett, from the first Tuesday of March, to the last Tuesday of February; with leave to report by bill, or otherwise; and Mr. WIDGERY, Mr. RICHARDSON, and Mr. ELY, were appointed the committee.

An engrossed bill giving further time to the purchasers of public lands to complete their payments was read the third time, and passed.

An engrossed bill authorizing an increase of the capital stock of the Bank of Washington was read the third time, and passed.

An engrossed bill to impose a duty on the importation of iron wire was read the third time, and passed.

MILITARY BOUNTY LANDS.

The House then proceeded to consider the report of the Committee of the Whole on the report of the select committee touching the claims of the officers and soldiers of the Virginia line of the Revolutionary army to military bounty lands.

The question was then taken to concur with the Committee of the Whole House in their disagreement to the resolution recommended by the select committee, which is as follows:

Resolved, That provision should be made for securing to the officers and soldiers of the Revolutionary army of Virginia, on State establishment, in the land or sea service of the said State, the bounty lands which were promised to them, either by a law or resolution of the said Commonwealth, out of the lands not otherwise appropriated, and lying on the northwest side of the river Ohio, within the Virginia cession, to be of good quality, according to the true intent and meaning of the promises made on the part of Virginia, and that, if a sufficiency of good land within the meaning of the aforesaid engagement cannot there be found, that their bounties shall be satisfied out of any other public land of the United States, not heretofore otherwise appropriated:

And was determined in the affirmative—yeas 66, nays 41, as follows:

YEAS—Willis Alston, jr., William Anderson, Ezekiel Bacon, David Bard, William W. Bibb, William Blackledge, Elijah Brigham, Robert Brown, William Butler, John C. Calhoun, Francis Carr, Epaphroditus Champion, Martin Chittenden, James Cochran, Thomas B. Cooke, Lewis Condict, William Crawford, Richard Cutts, John Davenport, jr., Roger Davis, Samuel Dinsmoor, William Ely, James Emott, James Fisk, Asa Fitch, Meshack Franklin, Thomas R. Gold, Charles Goldsborough, Isaiah L. Green, Obed Hall, John A. Harper, Jacob Hufty, John M. Hyneman, Richard Jackson, jr., Joseph Kent, William Kennedy, Lyman Law, Aaron Lyle, Nathaniel Macon, Alexander McKim, Arunah Metcalf, Samuel L. Mitchill, James Morgan, Jeremiah Morrow, Jonathan O. Moseley, Thomas Nowhold, Israel Pickens, Timothy Pitkin, jr., Benjamin Pond, Elisha R. Potter, Josiah Quincy, William Reed, William M. Richardson, Jonathan Roberts, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Peleg Tallman, Charles Turner, jr., Laban Wheaton, Robert Whitehill, William Widgery, Robert Wright.

NAYS—John Baker, Burwell Bassett, James Breckenridge, William A. Burwell, Langdon Cheves, John Clopton, John Dawson, Joseph Desha, Elias Earle, Thomas Gholson, Peterson Goodwyn, Aylett Hawes, Richard M. Johnson, William R. King, Abner Lacock, Joseph Lewis, jr., Peter Little, Willliam Lowndes, Thomas Moore, William McCoy, Samuel McKee, Jas. Milnor, Hugh Nelson, Thomas Newton, Stephen Ormsby, Joseph Pearson, James Pleasants, jr., Samuel Ringgold, Thomas B. Robertson, John Rhea, John Roane, John Sevier, Daniel Sheffey, George Smith, John Smith, Richard Stanford, Philip Stuart, Wm. Strong, John Taliaferro, David R. Williams, and Thomas Wilson.

REGULATION OF SEAMEN.

The House resolved itself into a Committee of the Whole, on the bill prohibiting the employment of foreign seamen in the armed vessels and merchant service of the United States.

The first section of the bill having been read—

Mr. GRUNDY said: Mr. Chairman, notwithstanding the unkind reception with which the bill under consideration met with from a particular quarter, on its first appearance in the House, I am still its advocate, and solicit a calm and temperate discussion of its merits. I ask this not on my own account—for the storm of debate has no terrors to me—but I ask it in order that justice may be done to the subject.

We all know, that when the passions are excited, or those prejudices which are incident to man in his most perfect state indulged, reason, the pride of our nature, is thrown from its place, and errors of the most pernicious kind often follow. Having requested that a mild temperament of mind shall characterize the debate upon which we are now entering, I shall be the last to disregard it myself. Hoping that nothing which I shall say may produce a single unpleasant sensation, either in this House or elsewhere, I shall proceed to an examination of the principles of the bill on your table. To these I shall confine my remarks at present, believing that any objections which are intended to be made to the various details, by those who are opposed to its passage, will be withheld until the opinion of the committee can be taken upon the main question. The propriety of this course is strongly enforced by the consideration that all amendments which may be deemed necessary to render the bill more acceptable to gentlemen can be offered, and, if approved, adopted at a subsequent period. And, sir, permit me to assure you, that those members of the committee who directed the bill to be reported to the House will cheerfully accede to any modification which is not calculated to defeat the objects intended by them to be attained. We do not pretend that the bill is a perfect one; the novelty and difficulty of the subject forbid us to entertain an idea of that kind: at the same time, they furnish an apology for any imperfections which may be pointed out. In order that I may be distinctly understood, I shall in the first place consider this measure as unconnected with the present peculiar state of the country, and afterwards inquire into the time and circumstances under which it is offered.

This, sir, is not intended as a temporary, short-lived expedient; it is proposed to make it a permanent law of the country. If adopted, it is hoped that experience alone will point out its defects, and apply the necessary remedies. In considering this subject, gentlemen should divest themselves of narrow, sectional views, and recollect that the welfare of every portion of the country, however remote, must be consulted in connexion with the particular districts which they more immediately represent. In casting our eyes over the United States, we see in the Eastern section an overflowing population; there, also, is found a great proportion of the tonnage; and there, too, is the spirit of commercial enterprise. There both the laborers and the labor to be performed are concentrated, combined with the proper skill and spirit to give direction to both. American citizens who adventure their lives and fortunes on the ocean, have assuredly a legitimate claim on their Government for protection—their liberty and livelihood should at least be secured; but, under existing regulations, neither is sufficiently guarded. In times of peace, the Governments of Europe permit their seamen to find employment in the merchant service of the United States; upon the appearance of war, they claim the right to withdraw them. What effect has this practice upon the seamen and commerce of this country? When no war rages among the nations of Europe, swarms of foreign seamen flock to the United States in search of a livelihood; by reason of which, your own seamen are thrown out of employment, or their wages greatly diminished. This is, to my mind, a species of injustice against that class of the community which ought not to be tolerated. Look, sir, at its operation on the mercantile interests of the country. If on the eve of a war in Europe foreign seamen are withdrawn, a deficiency of sailors to navigate American vessels must be the unavoidable consequence. The fair trader cannot prosecute his customary voyages; the wages of seamen are suddenly raised, and the difficulty of obtaining them at any price is often productive of serious embarrassment. It is true, that a total exclusion of foreign seamen from our service might compel our merchants to raise, in some decree, the wages of American seamen; but for this they would be amply compensated by the uniformity of wages which would be established, and the certainty of being at all times able to obtain the number of seamen necessary. For, sir, I have been assured by gentlemen on both sides of the House, acquainted with the subject, that, were foreigners excluded altogether, there would at all times be of native citizens a number of seamen equal to the prosecution of the various branches of commerce usually carried on between this and other countries, as well as our coasting trade. And when all who reside in our seaport towns concur in this opinion, I presume no reasonable doubt can be entertained of its accuracy; and when it shall be known that the livelihood of American seamen is not to be rendered precarious by the contingency arising from the competition of foreigners, and that they will be exempt from the danger of impressment, many will no doubt engage in that course of life who are at present deterred from it.

In a national point of view, how does this subject present itself? According to existing regulations, when the United States are engaged in war, we must rely on foreigners, who have no attachment to our country. It may happen that they are natives of the very country with which we are contending. If this bill shall be adopted, the country will be in safer hands; you will have men to navigate your vessels and fight your battles who have their family connexions amongst us, and whose feelings and attachments are purely American. In other respects, this measure is important: It will diminish the points of collision between this and other nations; it may do away the necessity of future wars (for I wish it to be understood, that nothing I now say is intended as having any relation to the present controversy between Great Britain and the United States.) By this bill you will show foreign nations the limits to which our claims extend; it will mark out by a defined boundary the extent of our national rights, so far as they relate to the subject-matter of this bill. They will see that beyond the indisputable rights of the country nothing is claimed; and will know, of course, that should they intrench upon them, the people of the United States will put forth their strength in opposition to the invader. Further, sir, it will do away all doubt as to the propriety of resistance among ourselves. If a single individual is then impressed, we shall all know that a political brother has lost his liberty. And, sir, although we now divide in opinion, let this be reduced to such certainty as to be incapable of contradiction, and we are an united people. If this bill goes into effect, it will be known by all, that none but an American can be taken from under our flag. Then let a course of impressment occur, and no man will dare raise his voice against relieving his fellow-cittizen from bondage, and punishing the Power which has deprived him of his liberty.

By the bill on your table, is not every claim which any human being has on the American Government secured? To the native citizen, its language is, whether you inhabit the soil or visit the most distant climes, wherever you may lawfully be, the protecting hand of your Government shall cover you. So long as you shall not attach yourself to another community, but retain your native character, to be able to say you are an American citizen, it shall be your shield and safeguard. To naturalized citizens, and those who have commenced a course of naturalization, we are under obligations. They have claims on us which must be discharged. For myself, I can never consent that Punic faith shall be ascribed to the American nation; and although, from the other side of the House, it is at some times intimated, and at others faintly urged, that the same kind of protection is not due to naturalized as to native citizens, I doubt very much whether any

member on this floor will hazard a declaration to that effect.

As between naturalized citizens and this Government, how does the subject of allegiance and protection stand? The Constitution of the United States authorizes Congress to pass laws for the naturalization of foreigners. In pursuance of this authority, Congress laid down a rule; the terms and conditions were prescribed; it was published to the citizens and subjects of all nations. By this foreigners were invited to come forward and form a part of the American family—many have complied; in conformity to your requisitions, they have renounced their allegiance to their parent State, and have sworn allegiance to the American Government. Are you not bound to protect so long as their duty of allegiance continues? I cannot see how any man can bring himself to doubt on such a point. In other words, you have made the proposition—they have accepted and fulfilled the terms on their part; and you cannot be released from the obligation which the compact thus entered into imposes; and any attempt to withhold full protection from this description of men would be a violation of the pledged faith of the Government. To these men all the rights of native Americans attach, and the bill on your table places them precisely on the same ground.

Are we under obligations to any other description of men? As Christians and civilized men we owe the kind offices of humanity and hospitality to every member of the great human family; but I deny that we are under political obligations to others, than those I have enumerated. Sir, those who are citizens of other countries form no part of our political association; they have not consented to participate in our dangers and difficulties; they form a part of a different community. There they owe allegiance, and to that community should they look for protection. I intend not by this to contravene the sentiments expressed by that distinguished statesman, who declared, that America should form an asylum for oppressed humanity. Far from it; but I mean to say, that foreigners who wish to enjoy the benefits shall stay within the asylum, according to the terms specified in the bill before you.

Let us now inquire whether anything is conceded by the provisions of this bill to other nations which tends to degrade the American character. We exclude foreign seamen of those nations from our service, who will reciprocate that regulation—we also require that the American flag shall protect all who sail under it, except those who may be in the service of an enemy to that nation which claims the right to seize on board the vessel of a neutral Power. This it is believed is in conformity with public law, as acknowledged by all nations, until Great Britain, in the confidence of her maritime superiority, had attempted to innovate upon it. There is, sir, no regulation in this bill, except one, of which I shall presently speak, which is not required to be reciprocal. On the point of our demanding an exclusion of American seamen from foreign ships, in consideration of this country excluding their seamen from our vessels, I feel a perfect indifference. If it were made a question between this and another nation, I would yield nothing to its demands; a perfect reciprocity should exist in all things. But if I am asked to yield to our own citizens the right of unqualified locomotion, and to extend to them the privilege of seeking employment wherever they choose, I am ready to grant it; the inducements to remain in the American service are so strong that no evil can result from permitting it. I am also the more willing to surrender this part of the bill, lest some gentlemen might think it abridged the rights of expatriation. Consuls and commercial agents are permitted by the provisions of the bill to claim the citizens or subjects belonging to their respective countries and to be present when the investigation takes place, and in this particular the same privilege is not secured in behalf of American Consuls and agents. Two reasons had influence in preventing the committee from inserting a similar provision as it regards American citizens—first, it might be deemed arrogant and presumptuous in us to attempt to make a regulation, which was required to be executed in another country, precisely in our way, without giving to other nations an opportunity of suggesting or proposing a mode by which the objects could be effected in a manner more agreeable to them and as safe to this country. In the next place it was and is still seriously doubted, whether such rigor should be exercised towards American citizens.

I trust I have succeeded in establishing the utility of this measure, as a permanent and lasting regulation, and will proceed to a consideration of the time and circumstances under which the proposition is offered. It is made, and you are asked to adopt it, when we are in a state of actual war with Great Britain, and this I know constitutes the only objection which some gentlemen have to it. I ask them to reflect cooly, and answer me, with the same plainness and simplicity in which I make the inquiry, this question, Is it ever wrong to do right? For my part, I think there is no period at which it is improper to declare to the people of the United States and to the world the nature of our rightful claims; how far they have been disregarded, and upon what terms a settlement of existing differences can be had, and to perform any act which shall be deemed necessary to satisfy our own citizens and other nations of the sincerity of our professions. Sir, you must not attempt to conceal from the public eye your sentiments on any great political subject—if you do, a degree of distrust unfriendly to the movements of the Government will be produced. Sir, if I know anything of the American people, the way to retain their confidence, is to ask nothing unreasonable or unjust from other Governments; extend your claims so far as to include every American right, and no farther; have no contest for anything which lies beyond the true boundary, but with firmness of mind and determination of character protect everything within. Sir, the people of this coun-

try are brave in defence of their rights; and unjust war they will not wage; is it not then important that you convince every portion of them, that this war is not carried on wantonly, but to protect essential rights? When they see you placing the American cause upon the true and just point, and declaring that you will never recede, they will support you; nor will they misconstrue your conduct; they will not mistake solid determination for timidity. No, sir, they think with him who knew how to acquire glory in the field—that there are no laurels so estimable as those which are engrafted upon the olive.

Mr. Chairman, a Roman Senator, upon an occasion not unlike the present, is represented as saying—

"True fortitude is seen in great exploits,
That justice warrants and that wisdom guides;
All else is towering frenzy and distraction"

And, sir, shall the counsellors of a great nation be so misled by a momentary passion or frenzy, as to lose the opportunity of doing an act, which will give strength to the American arm in the prosecution of a just and necessary war; a war which must and shall, so far as my voice will go, be carried on until every American right is secured, and every wrong redressed? There are reasons which render the passage of this bill peculiarly proper at this time. What will give most vigor to the war? *Union.* What will produce union? Convince all men that you are disposed to act justly; that you commenced and now prosecute this war from necessity, not choice. I know this is the case; the people I represent are satisfied of it, and their conduct has proved it. But there are men who have deceived themselves into a belief that you are not willing to see harmony restored between the two countries. I ask you to undeceive them, take the bandage from their eyes, let them see their error, many of them will unite with us.

Admit that there are men who hate this Administration more than they love their country, and therefore will not unite in the prosecution of the war, will not those who have been misled by their counsels leave them? Yes, sir, with this manifestation of the rectitude of your intentions, I think I am safe in saying to my political friends that the opposition cannot stand before them; you sweep the ground from under their feet; you leave them nothing on which to stand. At present we have truth on our side; adopt this bill, and you disarm your adversaries of all plausible argument.

In the effects to be produced by the passage of this bill, I think I cannot be mistaken. Have not the gentlemen on the other side of the House called for it repeatedly during the present session? Have they not said, do this and you have peace, or a union of all parties in the prosecution of the war? The gentleman from North Carolina (Mr. PEARSON) was explicit on this point. Sir, I am willing to yield to their request; the thing is right in itself, and they have asked for it; as honorable men they cannot fail to comply with their former declarations. If, however, they should not, I would still grant their request; I would give it to them as a rod with which to chastise them. For, sir, rely on it, that it is necessary to destroy the means of error, and the effects of misrepresentation. And, sir, if we use well the means in our power, the remainder will be done in our respective districts.

Sir, it is due to the opposition that this step should be taken; many of them do believe that a fair and equitable peace will be the consequence. I differ from them in opinion, but I am still disposed to gratify them. If they are mistaken, their error will be more manifest; it will convince them that justice cannot be obtained from the enemy. Suppose, on the other hand, that peace should follow from the adoption of this measure, where is a man to be found who is unwilling to see a just, honorable, and reciprocal treaty between the two nations? If such a feeling exists in any man, he will never venture to express it before the American people. Any other treaty than such as I have described, I should contemn, and I feel confident that the Executive would not listen to propositions which would place the nation over which he presides on dishonorable ground.

Other reasons than those already enumerated dictate the propriety of now acting on this subject: we are in a state of war; we are a divided people. I regret that truth compels me to say this, but the fact is so. Much misrepresentation prevails with regard to our motives; so long as this is the case, the people will not go so heartily with us, and render all that support which is desirable in the present state of the country. They have the right to know distinctly for what you are fighting; and let me tell you how far I think they will support you. So long as you are contending to protect native Americans or foreigners, to whom the United States owe protection, they will be with you; but let them suspect that the object is to secure deserters from foreign vessels, and they will tell you that their blood and treasure shall not be expended for such an object, and in a voice which must be obeyed they will command you to desist. Sir, we should not only do right, but avoid the appearance of evil. Let it be known to all men that this contest is kept up for American rights, purely so, and a high-minded, honorable people, will never abandon us.

Sir, I ask this demonstration of the sincerity of your motives in behalf of the people I represent; they have confidence in you; let it not be impaired. I ask it in behalf of men who will not halt at the margin of a river; men who will not stop to consult the Constitution and geography of their country when the enemies of America are in view. Preserve the minds of such men free from doubt; if you do not, double the number required by Government will not again rally around your standard at the call of their country, and that too with a view of encountering the severest seasons and the worst of climates, in addition to the enemies of the land.

By the bill on your table, is a single American

right surrendered? Nay, more, do you yield anything which your Government has ever claimed? All must answer in the negative. I would then ask all men of sober sense, how is this nation degraded? This is not intended as a mere stepping stone, to enable the Executive to make an overture for peace, but it will authorize him, should the proposition come from the other party, to stand on even ground in the negotiation.

Some gentlemen think this measure belongs exclusively to the Executive under the treaty-making power. Sir, they misconceive the subject. This is intended as a general law, not applicable to Great Britain alone; but suppose it were, they would gain by this nothing in the argument. Has not Congress the power to say who shall navigate the vessels of the United States? Has it not the right to regulate the navigation of the country? Is it not its duty to pass naturalization laws? Surely, no man can seriously believe that we have not the Constitutional power to act. And, sir, whatever may be the correct opinion on the point so ably discussed on the adoption of the last treaty between the United States and Great Britain, gentlemen should recollect, that although the Constitution gives to the President, by and with the advice and consent of the Senate, the power to make treaties; it also gives to Congress the right to pass laws for the naturalization of foreigners. If, then, a treaty should be concluded by the proper authorities, containing provisions on a subject confided by the Constitution to the Congress of the United States, I very much doubt whether a House of Representatives could be found which would willingly consent to be used as a piece of mere machinery, to carry into effect stipulations contrary to the judgment of its members. I wish to avoid a discussion on the question which occurred in the year 1796. It is not necessary to enable us to come to a correct decision on the subject now under consideration; and, sir, nothing but necessity shall ever induce me to advocate an opinion in which I differ from that man to whom I owe the right of thinking and speaking freely; him to whom I am indebted for the high privilege of addressing an American Congress; him, for the honor of whose birth, not seven cities alone, but more than seven nations would have contended, had not the title of America been unquestionable.

It is expedient to act at present on another account; the Executive has offered these terms; the British Minister declined their acceptance, partly on the ground that Congress might not sanction the measure. I question the sincerity of the British Minister on this subject; but, pass this bill, and you bring him to the test; if insincere, you put your enemy more in the wrong. The British nation, the American people, and the whole world will see, that the continuance of this war is not owing to any disregard to justice on our part.

Mr. Chairman, I have been amused when I have heard certain objections to the passage of this bill stated in conversation. It has been said, in opposition to it, that Lord Castlereagh, when discussing American affairs with Mr. Russell, used certain expressions *loftily*. I will tell you, sir, what I think of Lord Castlereagh's conduct on that occasion. I view it as unbecoming, undignified, and rude. But it certainly is attaching too much importance to it, to permit the councils of those who have in charge the interests of seven millions of people to be moved by it. Sir, unaffected by his smiles or his frowns, we should pursue our object, and not be driven from our purpose. By not passing this bill, will you not justify that distrust expressed by Lord Castlereagh? Whatever may be your motives, will not your actions show an unwillingness to accede to the just and equitable terms held out by your own Executive? Sir, I do greatly fear the consequences.

Mr. Chairman, should this bill be rejected, I shall feel no other mortification than that which arises from a conviction that the true interest of the country has not been sufficiently consulted. But for this I will not abandon my political friends on this floor; no, sir, I will go with them through good and evil report, so long as I entertain the same good opinion of their motives, which I now do; and of one thing let all be assured, that I never will be content to surrender an American right, so long as a current runs in these veins.

Mr. Wright replied to Mr. Grundy, and opposed the bill at considerable length. He considered it as a violation of public law, and as a violation of our Constitution, so far as respects naturalization. He also viewed it as an attempt to wrest the treaty-making power from the hands of the Executive, and offered many objections to the bill in principle and detail.

After he concluded, the Committee rose, and reported progress, and obtained leave to sit again.

Thursday, February 4.

On motion of Mr. Hempstead, the committee appointed on that part of the President's Message which relates to military affairs, were instructed to inquire into the expediency of authorizing the President of the United States to cause ten companies of mounted riflemen to be raised for the protection of the Northwestern frontier.

On motion of Mr. Bond, a committee was appointed to inquire whether any, and if any, what, amendments are necessary to be made to the act, entitled "An act to extend the right of suffrage in the Illinois Territory, and for other purposes;" with leave to report by bill, or otherwise; and Mr. Bond, Mr. Little, Mr. Grosvenor, Mr. Alston, and Mr. McKee, were appointed the committee.

Mr. Wright, from the committee to whom was referred the petition of Henry Gassaway, made a report; which was read, and the resolution therein contained concurred in by the House. The report is as follows:

"The committee to whom was referred the petition of Henry Gassaway, a lieutenant in the army of the Revolution, in the Maryland line, have had the same

under their consideration, and report: That it is inexpedient, from principles of general policy, to apply the national bounty to a particular case, however meritorious the applicant, where numerous cases alike claim the national liberality; that Henry Gassaway has strong claims on the gratitude of his country for his Revolutionary sacrifices on the altar of liberty, during the war that secured our independence; that, having received no wound, his case is not provided for by the act giving pensions. The committee, however, feel it their duty to recommend to the justice and magnanimity of the United States' Government, as well as to the governments of the respective States, the appointment of such meritorious officers and privates to such offices as their talents would enable them to discharge, with profit to themselves and justice to their country, that the evening of their lives might be as serene and easy as their youthful toils have been honorable to themselves, and profitable to their country.

"They recommend the following resolution:

"*Resolved*, That Henry Gassaway be permitted to withdraw his petition and papers."

On motion of Mr. HEMPSTEAD, the Committee of the Whole were discharged from the consideration of the report of the select committee on the petition of Daniel Boone, and the report and petition were committed to the Committee on the Public Lands.

REGULATION OF SEAMEN.

The House again resolved itself into a Committee of the Whole on the bill regulating the employment of foreign seamen in the merchant service, and in the armed vessels of the United States.

Mr. SEYBERT said he had a desire to lay before the Committee the views which had presented themselves to his mind concerning the bill in question. The vital principle of this bill was to be found in the first section. To try the sense of the Committee he would move to strike out the first section. Having made this important motion it was his duty to give the reasons whereon it was grounded.

Sir, (continued he,) the great principle of this bill is, to forbid, after a certain period, the occupation of seamen to persons who may become citizens of the United States. Yesterday we were informed by the gentleman from Tennessee (Mr. GRUNDY) that this was not to be considered a temporary regulation—it was intended to form a permanent navigation system for the United States. To this Mr. S. replied it was not proper to form permanent regulations of the kind during a state of war, because the commerce of the country must then be liable to many uncertainties; such a system could be better matured during a state of peace.

He said the provisions of this bill were the consequence of the horrid practice of impressment which Great Britain exercised towards the seamen of the United States. For more than twenty years last past the Government of the United States has been protesting against this practice. By some it is pretended this bill will remove the difficulties in question, and restore peace to the United States—would to God it may produce this effect, should it pass! In this light he said it was worthy the serious consideration of the Legislature; for facts, he should rely upon the authentic documents which were at various times laid before Congress—your tables groan under their pressure and seem to rise into resistance.

Sir, said Mr. S., the practice has always been declared unjustifiable; it cannot be grounded on natural or national law; numerous proofs are extant of the uniform protest of every Administration of the Government of the United States against it; it has been unceasingly destructive to our honor and our interests—no other nation has ever submitted to it. Such have been the declarations of your several Presidents; they were supported by the opinions of Messrs. Pickering, Wolcott, McHenry, Stoddert, Charles Lee, and Chief Justice Marshall. The last named gentleman considered the impressment of our seamen "an act of violence for which there exists no palliative." He well imagined, if the practice was continued, it would lead to a rupture between the United States and Great Britain. Every Administration, including the present, has failed in their numerous efforts to negotiate on and regulate this subject with the British Government. In vain did we yield that "in the ports of Great Britain and Ireland, the impress of British subjects found on board our vessels must doubtless be admitted." After the many fruitless efforts which have been adverted to—after the more recent offers tendered by Mr. Russell to the British Government—after the several declarations of Lord Castlereagh that "they cannot consent to suspend the exercise of a right upon which the naval strength of the empire mainly depends until they are fully convinced that means can be devised, and will be adopted, by which the object to be obtained by the exercise of that right can be effectually secured"—after his Lordship candidly confessed "that no Administration could expect to remain in power that should consent to renounce the right of impressment, or to suspend the practice, without the certainty of an arrangement which should obviously be calculated most unequivocally to secure its object"—after Mr. Hamilton, the British under-Secretary of State, asked Mr. Russell "if the United States would deliver up the native British seamen who might be naturalized in America"—after Mr. Russell informed the Government of the United States that Lord Castlereagh told him all the expectations which had been entertained by our former Minister at the Court of St. James on this subject were impracticable and unfounded—after it had been most satisfactorily proved to Mr. Russell that nothing could be done with Great Britain on the subject—the Government of the United States declared war against that Power, and placed the odious practice of impressment as the first of its causes on that list which has been sarcastically termed "an ingenious catalogue." This declaration was by Mr. S. considered as the "final attitude" of the United States with regard to Great Britain; all his subsequent views were turned towards its vigorous prosecution. But,

alas! the Legislature has another "crisis" brought before it—its merits must be inquired into. If other circumstances did not require it of him, Mr. S. would content himself with observing that the report of the Committee on Foreign Relations afforded sufficient arguments why the bill should not pass. The committee acknowledge there seems no disposition on the part of the British Minister to treat on the subject! When speaking of the propositions which have been tendered by Mr. Russell they declared "your committee cannot avoid expressing its astonishment at the manner in which they were received. It was not sufficient to reject the proposed armistice; terms of peculiar reproach and insult were adopted to make the rejection offensive." Again they tell you, "your committee have sought with anxiety some proof of a disposition in the British Government to accommodate, on any fair condition, the important difference between the two nations relative to impressment; but they have sought in vain: none is to be found, either in the communications of the British Minister to the American Chargé des Affaires at London, or in those of the commander of the British naval forces at Halifax, made by order of his Government to the Department of State."

Mr. S. then said he considered the passage of this bill inexpedient as to time and existing circumstances. It has already been remarked that no prospect of being able to treat with the British Government on the great cause of dispute now exists. Your committee has informed you that propositions similar to those contemplated by this bill have been rejected, in terms of peculiar reproach and insult. Your late accredited agent at the Court of St. James has communicated—nay, he says he is satisfied, and every circumstance "proves most unequivocally the predetermination of the British Government to reject, at this time, every overture for the discontinuance of this degrading practice." Lord Castlereagh is uniform in his declaration that no suspension or modification of the practice can be admitted which should render doubtful the security of the object! What, sir, demanded Mr. S., is the object? He said it was man stealing; and asked, if anything but the practice itself could secure the end in view? This crime, said he, in the great catalogue of human enormities, stands alone, and no equivalent can be offered for it. The mere supposition of that being possible, implied a degree of baseness to which he hoped the people of the United States were strangers. Will our honor, will our interest, permit us again to stretch forth the arm of submission to Great Britain? Do not forget that public safety is incompatible with degradation. Great Britain knows she will be met on honorable ground if she was disposed to take it. Peace he considered the greatest of blessings if properly secured—it may be purchased at a rate which will consume your vitals. Ask nothing from Great Britain which she cannot grant consistent with her sovereignty and independence. Nothing is expected from Great Britain for which an equivalent is denied; to be on a level with her on this question is the right of a free, sovereign, and independent Power. Look to yourself and secure the safety of your people; the true path to prosperity and security must be that which we have indicated—all other terms, it is hoped, will be treated with the contempt which they merit. Have the wrongs been redressed for which the United States have contended? Has atonement been made for our violated rights? Have our impressed seamen been restored to their wives, their children, and their parents? Has Great Britain shown a disposition to meet us after we have advanced more than two-thirds of the way? No! and *no* alone must be the uniform answer to all these questions. Our course and our duty cannot be of a doubtful character—"Prove to the enemy and to the world that we have not only inherited that liberty which our fathers gave us, but also the will and power to maintain it." Such a course and conduct alone will secure to you and to posterity those blessings which the God of nature has so bounteously bestowed on us.

Have we, said Mr. S., reason to entertain any hopes from a late change of administration in Great Britain? Certainly not; the same spirit which has been prevalent in her councils for the last twenty years still exists—the *virtuous* Castlereagh, with whom we have been negotiating for the several years last past, continues to control the foreign department of that Government; he is aided by his former adherents and by the result of the late elections for members of Parliament. You can expect nothing more from this man than what your power can achieve; this haughty Minister treated your propositions with neglect, when they were offered for a purpose to which he attached much less consequence than he does to the present question. It was communicated to this man, that a repeal of the unjust edicts of Great Britain, in all probability, "would be followed by a war between the United States and France;" your President informed you that, "even this communication received no attention!" Sir, said Mr. S., this act, if it be Constitutional, would be much better timed if we had remedied the disasters which we have so often been exultingly told now stain our arms and our reputation. The disasters of the last campaign gave him no uneasiness for the result in future, if it shall be determined to carry on the war with energy, and without regard to temporary expedients—all calculations should be founded on a prolongation of the war; thus will you be prepared to meet the worst from your enemy—you cannot fail to conquer her on the continent of North America.

He said, he had heard it pretended that this act contemplated nothing more than to place the President of the United States, touching the case in question, on a level with the King of Great Britain, as regards his treaty-making powers. He maintained, the President was so already; and asked, why, at this time, pass an act, which is intended to be operative only after a treaty shall

have been concluded with the United States and Great Britain? If the provisions of the bill be Constitutional, there seemed no occasion for the act, since the stipulations therein contemplated might form a part of the treaty. The Constitution of the United States declares, "that all treaties made, or which shall be made under the authority of the United States, shall be the supreme law of the land." To him, it seemed the President of the United States had as much control over the question as has the King of England. In Great Britain the King cannot naturalize an alien, no more can the President of the United States—there it must be done by act of Parliament; here by a statute of Congress. The King cannot repeal an act of the Parliament of Great Britain; he, like the President, acts in his Executive capacity. Seamen, who have served two years on board his Majesty's ships of war, the merchantmen, or privateers of Great Britain are, *ipso facto*, naturalized by a British statute, whether they enter voluntarily or not! No power other than that of the Legislature of Great Britain can repeal this clause, and absolve the allegiance which they claim from our impressed seamen, who may have served two years on board His Majesty's ships, or other vessels, in Great Britain. It may be said, Parliament will enact such a repeal, and thus make the matter easy of accommodation between the two Governments, since it may allow such of our seamen to quit their service as are forcibly detained therein; whilst, on the other hand, we may suffer those to continue their allegiance to the King, who may see fit to do so. This is the only possible mode of proceeding which offered itself to his mind—he questioned the disposition of the Parliament on the subject; they must consult the feelings of the people of Great Britain before they could venture on it. Suppose it shall seem plausible that the Parliament would proceed in this way to meet our views; let me, said he, pray you not to be lulled into a state of fatal security by the passage of this bill. It must be remembered, before the information of its adoption can have arrived in England, the Parliament will be out of session, and they will not assemble before the ensuing Winter; thus may we be unprepared for the coming campaign, and the most fatal consequences may befall this nation.

Sir, continued Mr. S., on a former occasion, the time when this bill was first introduced to the House, the constitutionality of the act was questioned; much reflection, continued with increased force the same impressions which originally had operated conviction on his mind. Allow me, said he, to state the reasoning upon which this opinion was grounded. The Constitution of the United States declares Congress shall have power "to establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States." Sir, the rule only relates to the mode, it is only operative during the nascent state of the political conversion, and it ceases to have effect the moment after the process has been completed. Your Constitution only recognises the highest grade of citizenship that can be conferred—the alien is thus made a native, as it were, and is fully vested with every right and privilege attached to the native, with the exception impressed on the Constitution. Your statutes cannot deprive any particular species of citizens of the right of personal liberty or the locomotive faculty, because the Constitution does not characterize the citizens of the United States as native and naturalized. Our great family is composed of a class of men forming a single *genus*, who, to all intents and purposes, are equal, except in the instance specified, that of not being eligible to the Presidency of the United States; the only exception to the rule is expressed in the Constitution: if other exceptions had been contemplated by the framers of that instrument, they would also have been expressed; none other having been expressed, he said, it followed that your legislative acts could not make individual exceptions touching the occupation of the citizen. All freemen, citizens of the United States may pursue their happiness in any manner and in any situation they please, provided they do not violate the rights of others. You cannot deny to any portion of your citizens, who desire to plough the deep, the right to do so, whilst you permit another portion of them the enjoyment of that right. The rule must be uniform, as it regards place, and as it respects the persons who are naturalized; the probationary process must be the same, whether it be performed at Charleston or at Boston; it must be alike in its application, whether the alien be a German or an Englishman; it must be the same to all Englishmen, be they artisans or seamen. You cannot pass this bill, and thereafter naturalize foreigners with limited privileges, unless the Constitution be amended, so as to establish different grades of citizenship. In most European Governments these gradations do exist; in the United States they are unknown. Whether it would be policy on the part of the Government of the United States at this time, to deny naturalization to aliens hereafter, was a question of too much magnitude for him to decide upon without much previous investigation and serious reflection. This question is not now before the Committee. He said, he would defer the discussion of it to the proper period. Let me add, said he, (God be praised!) we have no bill of rights for the government of the citizens. The rights and privileges which we enjoy as citizens of the United States, constitute the original rights which are reserved to the people. The Congress of the Revolution on the 4th day of July, 1776, declared these States free and independent; they further declared, "we hold these truths to be self-evi-'dent, that all men are created equal; that they 'are endowed by their Creator with certain in-'alienable rights; that among these are life, lib-'erty, and the pursuit of happiness." Has it become the duty of the Congress of 1813 to deny these well-founded principles? Principles for which your illustrious predecessors lavished the blood and treasure of this nation, during the hard fought conflicts of a seven years' war! Are we

now prepared to violate, abridge, and to deny to ourselves, the attributes which are common to all free, sovereign, and independent States? Will you spontaneously take a secondary rank amongst civilized nations, and do this without making an effort to resist it? Does it seem fit, that the only free nation on earth should be the first to make a voluntary sacrifice of the rights which man has inherited from the God of nature? Rights, which are beyond the control of human usurpation. Can you descend to this? Let me answer for you. "I'll not believe it;" the act alone could convince him that you are about to introduce into the political system of the United States, the abominable India graduation of *castes*, and thus limit the pursuit of happiness. At the moment when Great Britain, by regal proclamation, declared all her subjects, which your statutes have naturalized, *traitors*, if found in arms fighting your battles! you are engaged in the passage of an act yielding to her one of the most sacred principles of civilized society; though she has thousands of your citizens, whom she pretends to have naturalized, on board of her armed ships, forced to spill the blood of their countrymen and their kindred. Perdition to the horrid thought! If, said he, England complains of the emigration of her people to the United States, she cannot accuse us of using foul means to effect the purpose—the fault lies with herself; let her make her people happy; that will be found to be the most certain method of keeping them at home.

You may term, said he, this bill a Navigation Act; designate it by whatever title you please, its object and tendency cannot be mistaken. By its passage you consign the liberties of this nation to the mercy of European Governments. Let me beseech you to pause before you take this fatal step. Remember that the least abandonment of correct principles will inevitably lead to destruction. We are the constituted guardians of the rights of our fellow-citizens. It becomes us to respect, nay, it is demanded of us, that we should preserve them inviolate to posterity. It is an inheritance which they do not derive from us, and of which we have not the power to deprive them. If you pass this bill, the mischief will not end here; you must make other sacrifices; you will have to "deliver up" to Great Britain the seamen whom you have naturalized. The question has been already put to Mr. Russell. Great Britain will not be content if you go thus far. She has further claims on your weakness. You cannot refuse to her to relinquish the right to naturalize any British subject hereafter. Her claims to her artisans and manufacturers are as strong as those in favor of her seamen; the industrious of Birmingham, Sheffield, Manchester, and Leeds, are of as much consequence to her prosperity. Her seamen cannot be supported without them. It is her pretended power which she will array against your acknowledged feebleness. You can only maintain your ground by a manly resistance; there is no other mode left to save the Republic. Is it your intention to abandon the thousands who are now impressed, confined, and who groan on board the floating dungeons of Great Britain? It may be presumed that fifteen thousand American seamen are now on board her ships of war. This does not rest upon speculation; it is founded upon the facts communicated by Commodore Rodgers. If you demand these citizens in the feeble tone of supplication, the answer will be, they are the naturalized subjects of Great Britain, and that it is her practice to defend and protect them as the law directs. If you shall insist on retaining the British subjects which have been naturalized according to your rule, she will determine to detain those who became her subjects according to the provisions of the acts of Parliament. You dare not abandon these citizens; the Constitution forbids it. If you will persist in the course which this bill is about to establish, and naturalize a class of men with limited rights, you will furnish the catalogue of human nature with a genus of nondescripts; civilized society will be infested with a race of semi-naturalized men. Perhaps you may be disposed to offer violence to nature; attempt a change of color and complexion, and thus furnish new subjects for the natural historian.

Sir, it is pretended that we are surrounded by difficulties. Were it so, they might be surmounted; but this bill could not be the remedy for them. Let me beseech you not to accumulate them by acts of weakness. When the war was about to be declared against Great Britain, he was prepared to look for a powerful, a proud, and a haughty foe, though one whom we had subdued in the embryo state of our country, at a time when her strength seemed to enable her to contend with Hercules himself. Shall we fear to venture when we have arrived to manhood, and the enemy has sunk into superannuation? The Republic is safe. It matters not so much what pilots direct the ship; the crew is sound and able-bodied, and will carry her to a port of safety. The loss of *his* commission was not worth the recollection. By making these repeated advances without any reasonable prospect of success, we do nothing but injury to ourselves; we have a lesson before us. He alluded to the declaration of Lord Shelburne to the Marquis de Bouille, in 1784, concerning the peace of 1783. His Lordship observed, perhaps loftily:—"Had your Court appeared less solicitous to terminate the war, it would have obtained from us far greater sacrifices." We ask no sacrifices from Great Britain; we only demand justice from her. Then our policy is plain; our wisest, nay our most pacific measure would be, to show ourselves ready for the emergency; to present in front of Great Britain a force which would make her feel her danger.

Mr. Archer said he felt much interest for the fate of the bill before the Committee, yet he regretted the necessity which compelled him to deliver his sentiments, as he felt a delicacy in replying to the observations of his friends. Such however had been the extraordinary nature of the objection urged by his colleague from Maryland,

that he hoped the Committee would indulge him in replying to them, and he trusted that his friend from Maryland, (Mr. WRIGHT) whose experience called for his respect, whose patriotism demanded his veneration, and who would as willingly draw his sword to avenge the wrongs of his country, as he would, be to denounce before the Representatives of the people any measure which might be considered detrimental to their interests, would pardon him in devoting many of the observations which he should make to the arguments which that gentleman had urged against the bill.

When he had the honor upon a former occasion of addressing the House, he had taken the liberty of expressing his entire willingness, to exclude by law from the merchant service of the United States the seamen of Great Britain. This opinion was neither expressed hastily nor formed without much deliberation. Nothing had fallen from the gentlemen who had preceded him, which induced him, in the smallest degree, to change his opinion. Indeed the positions which the gentleman from Maryland (Mr. WRIGHT) and the gentleman fsom Pennsylvania (Mr. SEYBERT) had taken, although supported with much ingenuity, were in themselves so extraordinary, that they appeared to him to be in no way susceptible of proof.

The gentlemen to whom he had alluded had both declared the tendency of the bill to be unconstitutional. The opinion was grounded by each upon distinct principles. He would first endeavor to show that this objection was without foundation. This demanded the first consideration; for whatever force other arguments might have against the measure now under consideration, this of itself, if it were sustained, would be sufficient to occasion the rejection of the bill.

The gentleman from Maryland (Mr. WRIGHT) declares that this measure is a usurpation of the powers of the Executive, by legislatively interfering with the treaty-making power. That this bill is to form the basis of a treaty; that it is made in anticipation of one which is to contain the same principles, appear to be facts assumed as the ground-work upon which was built the whole superstructure of the gentleman's argument. But what is the real state of the case? A proposition has been made by the President to the British Government. It is alleged that this proposition cannot be received because Congress have a right to carry into effect a treaty founded upon such principles if they please; or they have a power to reject it if they please. Now it is contended that such a treaty would be absolutely obligatory and that Congress could not reject it; but he would contend that Congress had constitutionally the power to reject it, and the inference would be necessarily deducible that this bill was indispensable to put the President upon an equal footing with the Executive power of England in any negotiation hereafter to take place, embracing the same objects which it contained. He was sorry to find that his friend had abandoned the sound and Constitutional doctrine for which the House of Representatives had been sticklers at a very early period after the organization of our Government. It would be remembered that when the House of Representatives were called upon to carry into effect the British Treaty, by making the necessary appropriations, they required of the then President certain information which might enable them to judge of the propriety of making these appropriations. This information was refused, principally on the ground, that a treaty, when ratified by the Senate, was the supreme law of the land, and that it was not discretionary with that body whether they would carry it into effect or not. The House of Representatives asserted what they considered to be their Constitutional right upon the subject, by the adoption of the following resolution:

"*Resolved*, That it being declared by the second section of the second article of the Constitution, that the President shall have power by and with the advice and consent of the Senate to make treaties, provided two-thirds of the Senators present concur, the House of Representatives do not claim any agency in making treaties, but that when a treaty stipulates regulations of any of the subjects submitted by the Constitution to the power of Congress, it must depend for its execution of such stipulations on a law or laws to be passed by Congress; and it is the Constitutional right and duty of the House of Representatives in all such cases to deliberate on the expediency or inexpediency of carrying such treaty into effect, and to determine and act thereon as in their judgment may be the most conducive to the public welfare.

The principles laid down in this resolution were of the first importance, and such as he hoped the House would ever contend for. He was willing to admit that a treaty was the supreme law of the land, but he must dissent from his colleague in the opinion that the House of Representatives were in all cases bound to carry it into effect. He contended that the expression in the Constitution, "that a treaty should be the supreme law of the land," was to be understood in a limited sense, in order to give operation to other powers granted in that instrument. A treaty was defined to be of two kinds: the first containing nothing more than obligations of the natural law; the second, where some new engagements were added to the obligations of that law. A treaty of the first kind, when ratified, was the supreme law of the land; but a treaty of the latter kind might contain principles affecting the sovereignty and unity of the nation, and interfere with the legislative powers of Congress. In all such cases, it required the exercise of the powers vested in Congress to give it complete effect. This he would endeavor to illustrate by an example or two, which would place the view he had taken of the subject in a clearer light: Suppose a treaty should contain a stipulation for the cessation of a positive wrong, on the part of the United States, towards another nation; this would be a mere obligation of natural law, and, not interfering with the powers of Congress, would therefore be definitive. But, suppose the President and Senate would make a treaty with a foreign nation, in which it was stip-

ulated that the United States should raise and support an army, build a navy, and declare war against a certain Power; would it be so far the supreme law of the land, as that the President would be bound, as in ordinary cases, to execute the law, by raising the army, building the navy, and proceeding to acts of hostility, without laws enacted by Congress for carrying into effect the provisions of such a treaty? Or, suppose a treaty were formed, regulating all the complicated machinery of commerce, would not the aid of Congress be indispensably necessary, under the Constitution, to carry into operation its stipulations? Would not Congress be bound, in all these cases, to exercise a sound discretion, and either pass the necessary laws, or, by refusing to do this, make such treaty void? Unquestionably they would; else the grant of power to Congress in these specified cases was nugatory. If a contrary construction were to prevail, the Legislative would be completely subservient to the Executive department of the Government. It would be giving to the regal and aristocratic branches of our Government an entire control over the democratic: Congress could not exercise its volition; it would be compelled to register the edicts of the Executive, however obnoxious, or however injurious to the people they might be. This was a most dangerous doctrine, and might strike at the foundation of our Government; for the Executive might sever, by treaty with a foreign nation, one of the States from the Union, and Congress would have no power to interfere. The powers of each department of the Government were distinctly marked out. If one branch should step beyond the landmark, violence would be done to another; and, at any rate, it seemed to him to be too much like concentrating power in the hands of one or a few, with whom, the fate of every nation would tell, it could not be so safely trusted as in those of the many. The popular and representative body was not so liable to encroach on the Executive, as was the Executive on the Legislative body. The true distinction seemed to be, that, wherever a treaty was made which contained stipulations exclusively confided to the power of Congress, there a law was required before the treaty was the supreme law of the land; but, where its regulations did no interfere with any grant of power, it was, when ratified, the supreme law of the country. The cases, the existence of which he had supposed, were analogous to the one now under consideration. This bill contemplated, in some degree, the qualification of the rights of persons hereafter to be naturalized. The power to naturalize was exclusively confided to Congress, and, according to the construction which he had given of the Constitution, it was impossible for the President to pledge the faith of the nation in a stipulation to which alone Congress could give efficacy. And of this opinion the Cabinet seemed clearly to be; for Mr. Monroe, in his letter of instructions to Mr. Russell, says: "A stipulation to prohibit by law the employment of British seamen in the service of the United States, is to be understood in the sense and spirit of our Constitution. The passage of such a law must depend of course on the Congress, who, it might reasonably be presumed, would give effect to it." If this reasoning were correct, its application would unquestionably be the same to the law, whether passed now, in contemplation of a treaty to happen in future, or adopted after the ratification of such a treaty.

But the gentleman from Pennsylvania (Mr. SEYBERT) had contended, that the bill was unconstitutional upon a different principle. To the Congress (said he) was granted the power to establish an uniform rule of naturalization; and to limit or qualify the general grant, would be unconstitutional. This idea seemed to be founded upon the technical meaning of the word naturalization. The word, certainly, in that point of view, meant the investment of an alien, by fiction of law, with all the rights of a native-born citizen. But in order to estimate the Constitutional power of Congress upon the subject of naturalization, it would be necessary to recur to a variety of considerations. He believed that every civilized nation, previous to the adoption of the Constitution, had in a greater or less extent naturalized foreigners. But no nation had found it to be their policy, or their interest, to practise in their laws upon this subject upon the technical meaning of the word naturalization; on the contrary, they uniformly naturalized with certain qualifications; they either did not make the protection promised them co-extensive with that which they extended to their native citizens, or they affixed certain limits to his rights, or excluded him privileges which were enjoyed by other citizens. In England, the statutes upon this subject uniformly contained limitations. In the reign of George the Second, a statute declared, that no act of Parliament should give to a foreigner the right to be a member of the Parliament, of the Privy Council, or to engage in foreign commerce. What was the practice of the several States before the adoption of the Constitution? It was to exclude from the exercise of certain rights, or the enjoyment of offices, those whom they naturalized. When we find, then, this practice pervading everywhere, even in the States, is not the conclusion inevitable, that the framers of our Constitution did not intend to confine Congress to the technical meaning of the word naturalization in the exercise of that power, the more especially when the comprehensive word *rule* was made use of? The principle upon which the power was to be exercised was left to the judicious exercise of Congress; all that was required was, that the *rule* should be uniform throughout the States. In the grant there is no other specification as to the exercise of it, than that of its uniformity. The term naturalization was borrowed from England. It must be understood here in the sense and meaning which was there attached to it. Whether it was *absolute* or *qualified*, it was still a naturalization. But the grant of a power in general terms necessarily implied the right to exercise that power in all its gradations. It was in the political, as it was in the natural world;

the genus included the species. Besides, the power to naturalize was an attribute of sovereignty. It was either absolute or qualified; and if the grant to Congress only implied a power of unlimited naturalization, the power to qualify existed in the States or in the people; for what was not specifically granted was reserved. What would then be the result? Congress would place an alien in the same condition with a native; the States would have the power to qualify the grant; and if they had the power, they might strip him of all his privileges. Here then would the powers of the States and of the General Government, in their exercise, in all cases, be incompatible with each other. This could not have been intended by the framers of the Constitution. Congress had the power to prevent the emigration or importation of foreigners of any description. They could exclude a Frenchman and admit an Irishman. From this power the inference was deducible, that they could naturalize the citizens of one nation, and not those of another; still the rule might be uniform; and the power to exclude naturally implied the power to assign the terms of admission. But the only exception, said the gentleman, is expressed in the Constitution—if other exceptions had been contemplated, they would have been expressed. But what was the fact? In treating of the Executive power, the Constitution defines the qualification of the President. It declares that he should be a natural-born citizen, or a citizen at the adoption of the Constitution. This article is unquestionably no limitation of the power of Congress upon the subject of naturalization. It was impossible to abridge a specific grant of power without specific limitation; and the article alluded to could not be tortured by the most ingenious mind to diminish even by implication the authority of Congress upon a subject to which it was totally irrelevant.

But, apart from all these considerations, we had a right to pass this bill under the general clause—"Congress shall have power to regulate commerce." To this power was necessarily incidental the power to regulate seamen. This power we could exercise by the adoption of means the most necessary and direct to carry it into execution; and he would challenge the gentleman from Pennsylvania to prove that the bill now before the House was not a necessary mean, and that this was not the proper time to adopt that mean.

So many charges (he would not call them arguments, for they had not been supported by any reasoning) had been made against the bill, that he would, perhaps, be unnecessarily consuming the time of the House in replying to them. It was asserted, that this bill was a violation of the law of nations. A bill for the regulation of American seamen, on board the vessels of the United States, a violation of the law of nations! That the exercise of a sovereign and delegated right, in no wise affecting foreign nations, was a violation of national law, was, he confessed, a novel doctrine: with the same propriety might it be said that the Orders of Council were grounded on national law, or that the impressment of seamen, as exercised by Great Britain, was a right vested in her by the law of nations. If these propositions were all correct, the law of nations would mean anything or nothing, and might be resorted to with equal facility upon all occasions.

Equally strange is the objection to this bill that it is a surrender of sovereignty, by placing our destinies in the hands of England. It is really surprising that a bill, which proposes to prohibit in the service of the United States the employment of British seamen, or of persons who shall migrate to this country after a pacification, should have drawn down such heavy denunciations. The passage of a municipal law, dictated by policy, flowing from a Constitutional and delegated power, abridging the rights of no man who now treads on the American soil, and solely assigning the limits to that protection which will be afforded those who, flying from the tyranny and persecution of the Governments of Europe, may seek an asylum here, is declared to contain a principle which submits the American people to the control of Great Britain! This objection is presumed to arise from a section of the bill which declares that it shall not become a law until the practice of impressment shall be abandoned, nor until reciprocal regulations shall be adopted by Great Britain. Is it the contingency of the reciprocity of the act and the cessation of wrong which is objectionable? The most fastidious mind could not object to that part of the bill which requires reciprocal regulations: and he must confess he did not see any utility which would flow from that principle in the bill which made its existence dependent upon the relinquishment of impressment: but still a precedent might be found for it, and one which, he had no doubt, would have considerable weight with the gentleman from Maryland (Mr. WRIGHT). He alluded to the non-importation law, to which, he believed, that gentleman had not only originally given his sanction, but to which he was still attached. That law was wholly conditional. It was dependent for its operation not only upon the act of one but of two Governments. If Great Britain repealed her Orders in Council it was to go into operation against France. If France repealed her decrees while Great Britain should adhere to her Orders in Council, it was to operate against England. The present bill is analogous. We say to England, cease to impress seamen from American vessels and we will exclude your citizens from our commercial service: thus we obtain from England, on the supposition that this law should ever be executed, the relinquishment of the practice of impressment, a practice which, for twenty years, she has tenaciously adhered to. And this is effected without, on our part, the sacrifice of a single right, or the relinquishment of any pretension or claim which we ever set up.

But it is declared that the present bill places our citizens under the protection of the King of Great Britain, and subjects them to the British judiciary. Your citizens, said the gentleman, will be tried by an English jury. Where was this provision to be found? He would advise the

gentleman to peruse the bill again. It will be found that all persons who shall violate the provisions of this law are to be tried by our own courts, and that the penalty goes to the informer and the United States. The gentleman has fancied the existence of the most obnoxious provisions in this bill, and has declaimed against the degradation which would be the consequence, with the same enthusiasm as if such principles had been admitted into it. He has not, I fear, examined the bill with his usual accuracy. Although intended for the protection of impressed seamen, the gentleman declares, the word impressment is no where to be found in the bill! Let me refer him to the eighth section. It has been said, with much apparent soundness, that this measure is trifling with the dignity of the nation, by telling our citizens that we will not protect them; on the contrary, he would say that it was a declaration that we would protect all to whom protection was due. That for such—and such alone, we would continue the contest. This law will abridge the right of no man in the community. It is calculated to furnish additional security to all those to whom the faith of the nation is pledged. If it shall be effective it will conclusively establish the principle that the American flag will protect all who shall sail under it. It had been urged against this bill that it would be the certain precursor and cause of disaster and defeat during the next campaign. This was an arbitrary supposition. A nation, while it should look to peace as the object of a war, would be destitute of common sense if it should lay down its arms and trust to the mildness and mercy of its enemy. To suppose that the Executive would slacken its operations in consequence of this law, would be supposing that he would violate the confidence of the nation in neglecting to be the faithful executor of its laws; the best way to procure peace is to show ourselves prepared to meet events; and the President was too much of a statesman not to know that peace, in all human probability, could alone be obtained by the prowess of our arms. The conduct of Congress in the enactment of laws for raising an additional army, in augmenting the navy, and in voting the necessary supplies, was in coincidence with the wishes of the Executive, and was evincive of a determination in every branch of the Government to prosecute the operations of the war with the greatest effect. This measure was an abandonment of no ground which had been taken, it was not the extension of the olive branch to Great Britain, it was a measure of sheer and necessary justice. The proud and domineering spirit of her Ministry would induce a belief that, until it was subdued and broken, she would not terminate hostilities without sacrifices on our part; we must continue our exertions until this flood has subsided, and the stream of popular opinion in England has sunk within its natural and accustomed channel. Then, and then alone, could justice be done. But, as the causes which had produced it were temporary, when its effects had ceased this measure would prepare us to accept justice at the hands of our enemy.

It has been asserted by the gentleman from Pennsylvania that this measure is inexpedient as to time. In this opinion he could not concur. It will be recollected by those who have read the correspondence between Lord Castlereagh and Mr. Russell, communicated by the President to Congress at the commencement of the present session, that Mr. Russell had expressly stated to Lord Castlereagh, "that the power of the Govern-'ment of the United States to prohibit the em-'ployment of British seamen must be exercised 'in the sense and spirit of the Constitution. But 'that there was no reason to doubt but that it 'would be so exercised effectually, and with good 'faith." This, too, was done under the authority of Mr. Monroe, the Secretary of State. What, then, do we find to be the pretext of his Lordship for a refusal to accede to the propositions made by Mr. Russell? First, that he was not authorized to propose any specific plan with reference to which the suspension of impressment could be made the subject of deliberation, that he had no instructions for the guidance of his conduct upon some of the leading principles which such a discussion must involve; and, secondly, that the practice of impressment could not be suspended on the mere assurance that Congress would afterwards pass a law to prohibit the employment of British seamen in the service of the United States, and that Great Britain would have no agency in the regulations to give effect to the prohibition. And it seems to have been made a serious objection by that Minister, in the interview which took place between himself and Mr. Russell, on the 16th September, that Mr. Russell could not pledge his Government that the stipulations he proposed entering into would ever be sanctioned by the American Government; that they stood upon unequal ground, as he, from his situation, would necessarily plight the faith of the British nation. While that Minister was at the head of the Foreign Department, while the objections were fresh in his recollection, it seemed an extremely expedient time for Congress to step in and do away these objections to an arrangement of differences; to give at once a positive assurance that a pacific plan for the exclusion of British seamen had met the sanction of Congress, and to show that nothing was wanting to prevent the operation of the law but the cessation of injustice on the part of Great Britain. To convince her that, although she would take no share in the regulations for the prohibition, yet that those regulations were of such a nature as to secure to her the objects which she pretends to have in view. He contended that our Chargé des Affaires and Lord Castlereagh did stand upon unequal ground when the subjects under discussion were brought into consideration. It was impossible, from the nature of our Constitution, for Mr. Russell to have given any positive pledge that the stipulations which he might enter into would be carried into effect, while he was as free to admit that the British Government would have been absolutely bound to have adhered to such a treaty as Lord

Castlereagh might have agreed to with Mr. Russell. The gentleman from Pennsylvania (Mr. SEYBERT) was totally mistaken when he supposed that the agency of Parliament was indispensable in the formation and ratification of a treaty. At this time, said he, the inexpediency of the present measure must be apparent, because, before the intelligence of its adoption by Congress could reach Great Britain, the Parliament would have adjourned, and it could scarcely be supposed that the Prince Regent would assemble them barely for the purpose of submitting to their consideration a treaty which might be formed, or the law which might pass this body. Sir, the authority of the King of England is unlimited in declaring war, in accepting overtures and terms of peace, and in forming all sorts of treaties with foreign Powers. With respect to treaties, the King's power was undefined by law. If a treaty should be disapproved by Parliament, they would call the advisers of its adoption to account, but still the treaty would be valid. It was perfectly competent for the British Minister to stipulate that American seamen should be excluded from the service of Great Britain, and the nature of the stipulation was such as not to infringe upon the laws of England, as the gentleman had supposed. He seemed to think that it could not be carried into operation without repealing the British naturalization laws in respect to seamen. Hence the necessity he had supposed of the sanction of Parliament. But the exclusion, by treaty, of American seamen could, by no possibility, interfere with the law of naturalization to which he had alluded. Thus, it appears to be necessary for Congress to interpose, to place the President in relation to the present subject upon a footing with the treaty-making power of England. In point of time it could never be inexpedient to do this. Nor was it necessary to inquire whether any disposition existed in the British Cabinet to terminate hostilities upon equitable grounds. Lord Castlereagh, it would be found by a reference to his letter of the 29th of August, had said that the British Government now, as heretofore, is ready to receive, and amicably to discuss, any proposition which professes to have in view either to check abuse in the exercise of the practice of impressment, or to accomplish, by means less liable to vexation, the object for which impressment has hitherto been found necessary, but they cannot consent to suspend the exercise of a right upon which the naval strength of the empire mainly depends, until they are fully convinced that means can be devised, and will be adopted, by which the object to be obtained by the exercise of that right can be effectually secured. Thus it appeared that they would not suspend the practice of impressment until the proper means for effectually securing their seamen were devised and adopted. This, he fully believed, was a mere pretext to avoid the arrangement, whatever plausibility it might by some be supposed to possess. But it was not the less, by this circumstance, incumbent upon us to take from this insolent Minister the only ground upon which he rested the vindication of his conduct. It was peculiarly expedient to unmask this man to his own countrymen and to the world, and, by devising and adopting a measure calculated to secure to England her own seamen, show to the world the principle for which she was contending. If her object be man-stealing, as the gentleman has said, this measure will not be calculated to make her desist from her iniquitous practices, but it will make her aware that the object of impressment is not to search for British seamen, but to supply her ships with American sailors. From this avowal, the necessary result will be, that the people of England will withdraw their support from Castlereagh and his coadjutors; and an union of honest American hearts in the prosecution of the present war will be effectuated. This measure will weaken the Administration of the British Government, while it will strengthen the energies of our own. But if, on the other hand, honesty pervades her councils, much will be gained by coming to a clear understanding. The causes of the present war, from a succession of events, are narrowed down to the single one of impressment. This was to us a vital injury, and should be resisted to the last, and, in the situation in which we stand, the first session of Congress after the repeal of the Orders in Council, it seemed at this very period, to him, peculiarly expedient to say to England: We do not wish to deprive you of your seamen; but we will protect to the last extremity the rights of our own. It seemed to him peculiarly expedient to take a position which should be tenable and definitive; one which the nation would pledge itself to maintain at every cost and at every hazard. The present measure placed the American nation in that position. It placed us on a high ground, from whence we could not fall. Upon another principle, it must be admitted, that the bill before you is expedient. Something was due to conciliation, the conciliation of our own citizens, not of a foreign Power. We find many of the people led astray and deluded, by the ambitious and daring, who have their existence in misrepresentation. The daily bread of many an individual is procured in circulating false views of the objects of the American Government, and in sounding the justice and magnanimity of our declared enemy. It has been circulated with much industry, that the United States are now prosecuting a war with Great Britain for the protection of British seamen. Not only has this belief been endeavored to be inculcated by the news-hawkers of the day, but we find it sounded by men whose situations entitle them to a portion of popular respect. He alluded to a message lately delivered to the General Assembly of a powerful and distinguished State. He would ask leave to read to the Committee an extract from the speech of Governor Strong of Massachusetts to the General Assembly of that State at its present session. He says, speaking of our national affairs, that "as the principal alleged cause of hostility against England has been removed by the repeal of the British Orders in Council, and a

desire has been evinced to keep the way open to a reconciliation," he can hardly suppose that the war will be continued to protect, in our merchant vessels, the seamen of Great Britain against the claims of that Government. This belief, if such a belief existed in the heart of any man who gives himself the trouble to deliberate for himself, it was necessary for this body, by some act, to put down; to prove to be fallacious and unfounded. To produce so desirable an effect, the present bill was well calculated. Gentlemen should reflect well on the inevitable consequences of rejecting this bill. The popular delusions will be confirmed. What is now suspicion will instantly grow up into belief; this belief will gain ground as time progresses. Our enemy will pride themselves in their foresight. They were apprehensive that the Congress would not lend their aid to exclude British seamen from the American service, and their apprehensions we confirm by our own act. We shall furnish a weapon to our political opponents, which their dexterity will not fail to use successfully to displace the present Administration of our national affairs, and put down the present war waged for the redress of a great national wrong and the obtainment of important and vital national interests. The gentleman from Pennsylvania, and the gentleman from Maryland, (Mr. Seybert and Mr. Wright,) should remember, before they lend their aid to the rejection of the present bill, that, by negativing it, we should stamp with reprobation every step which had been taken by the present Administration, and that which had preceded it, to effect an arrangement with Great Britain upon the subject of impressment. Nearly the same proposal had been made by Mr. Jefferson in the year 1805, and precisely the same terms had been offered by Mr. Madison since the declaration of war. The proposition, at least, was made by Mr. Russell, and was declared by him to be within the spirit of his instructions. We should be careful lest we mark with denunciation the propositions of the present President, which had met with the approbation of every American heart that beat with an anxiety for the blessings of peace, but feared not to encounter the dangers and difficulties of war to vindicate wrongs, and effect their redress. Notwithstanding this measure differs in no one particular from that which has been offered, but is the proposition itself expanded into substance, shape, and form; notwithstanding it is dictated in the very spirit of that policy which should be the guide of our councils; notwithstanding it is no abandonment of the actual or possible rights of a single individual in the community; notwithstanding it is calculated to produce union among ourselves in the prosecution of the present war, or to put a termination to it by procuring for ourselves every object of the contest, gentlemen have denounced it as submission. To the charge of submission, he would plead not guilty, and for trial would put himself upon the country.

Mr. Wright replied, also at some length, to the observations of his colleague, Mr. Archer.

Mr. Widgery spoke against the motion to strike out the first section. He had some objection to the detail of the bill, but thought it might be so amended as to make it acceptable.

Mr. Nelson spoke for about an hour in support of the bill, and in reply to the objections made to it.

Mr. Pearson.—I am opposed, Mr. Chairman, to striking out the first section of this bill. I trust the decision of the Committee will be in opposition to the motion now under consideration—not, sir, because I am satisfied with the provisions of the bill in its present form, but because the leading principle, if I understand it, is correct and important, and the details are susceptible of such modifications, as to give us some reasonable assurance of availing ourselves of the benefit of the principle. Indeed, so ardent is my desire for peace—so fatal do I consider the continuance of this war to the best interests if not the absolute safety of the country, that I should deem it a positive crime not to advocate any measures which had a tendency, however slight, to that object, not inconsistent with the nation's rights. With this view, I may be induced ultimately to vote for this bill in its present imperfect and questionable shape, should the House even refuse to adopt those modifications which are necessary to give effect to the professed principle of the bill, and which are in my judgment indispensable to reconcile the manifest inconsistency between its several sections.

In declaring the inclination of my mind to vote for this bill, in the crude form in which it is presented, I beg to be understood as going upon a sort of forlorn hope, for the issue of which I am not responsible. The incorrect conclusion which the gentleman from Tennessee (Mr. Grundy) has drawn from the remarks which I had the honor of submitting some weeks ago, on the bill for raising twenty thousand additional troops, renders it necessary for me to state the substance of the project I proposed, and the extent of the pledge, as the gentleman terms it, which I gave. I did state, sir, as my impression, that this war could be terminated with honor and advantage to the nation without a further appeal to force. This opinion was aided by the fact of an arrangement, on the question now in dispute, having been entered into by our Commissioners, Messrs. Monroe and Pinkney, with the British Government, in the year 1806, which, in the opinion of those gentlemen, in my opinion, and I believe the opinion of a large portion of the American people, was both honorable and advantageous to the United States; and as we have no evidence of different principles or claims being now advanced by the British Government, it was fair to conclude that an arrangement at least equally advantageous could still be obtained. On this basis I bottomed my project of passing a law for the exclusion of British seamen from our maritime service, and following up the law, using it as an instrument, by fair, candid, and liberal negotiation. On this basis I ventured the assertion, or pledge, if the gentleman pleases, "that if Great

'Britain will not be satisfied to arrange this subject fairly, so as to exempt us from the abuse 'of the practice of impressing from our vessels, 'when such security as is in our power to give, 'and such as she ought to ask is given her, that 'her seafaring subjects shall not be employed in 'our public or merchant vessels; then we shall 'have a cause of war, (and be united in it) more 'worthy of the energy of this nation." This is the pledge I gave; I now repeat it, and only wish the gentleman had the inclination and the power of binding myself and the nation for its redemption. The gentleman did ask me what I considered an essential right for which I would contend—my reply was, that the protection of native American citizens was such a right. I will go further, by extending this right to naturalized citizens whilst they remain within our jurisdiction, and in all cases where protection can be given to them not inconsistent with the claims of their native sovereign. But how the gentleman has brought himself to the belief, that the mere passage of this bill is to work the effect of placing the contest in which we are engaged on the issues I have stated, is to me perfectly inconceivable. If he wishes to avail himself of my admissions, let him adopt my entire propositions; go the whole length required, and his claims will be better founded. This, however, the gentleman and his friends are not willing to do. They tell us at the threshold, and I regretted to hear it, that this bill is not intended as a stepping-stone to negotiation. If this is the case, then indeed, sir, my hopes are much disappointed, and the goodly prospects which the first introduction of this bill inspired, must vanish—for, if it is not intended as an instrument for negotiation, it is perfectly useless, and must remain a dead letter on your statute book. I agree perfectly with the gentleman from Tennessee, in the view he has taken of the advantages likely to result from the adoption of the principle of the bill under consideration; considering it solely as a general and permanent regulation, totally disconnected with the present involved state of the country. But those advantages can only be applicable to and result from a state of peace; it is therefore idle to be legislating for futurity—for a state of society which does not exist—unless, indeed, our acts tend to hasten the period when and when alone they can be effectual. In whatever light other gentlemen may consider the object of this bill, and the object of introducing it at this time, I cannot but consider it either as a measure of pacification, or as a mere exhibition of pacific professions calculated to strengthen the declining popularity of the war and its authors. The gentleman from Tennessee has entered his protest against holding out false colors, in recommending the adoption of this bill—I will not; it would ill become me to question the sincerity of the gentleman, the more so as he has expressed his willingness to admit of various modifications to the details of the bill.

Mr. Chairman, it is not my intention, nor is it the proper time, to pass in review the several sections of this bill and point out their inconsistency and defects. I will, however, remark generally, that the regulations and penalties are insufficient to secure its faithful execution. The first and second sections are at variance with each other, and the eighth section calculated to produce difficulties—totally unessential to ourselves and not free from Constitutional objections. I therefore admonish gentlemen, if they wish to avoid the imputation of deception, on the very face of their proceedings, to amend the bill so as to reconcile the first and second sections. As those sections at present stand, the first excludes from our maritime service all foreigners who shall not have been naturalized, or have commenced a course of naturalization at the time of this law going into effect, and shall have remained within the territorial jurisdiction of the United States for the space of five years. Agreeably to my construction of the second section, (and I doubt not it is the correct construction,) not only the two descriptions of foreigners before stated, but all those who may at any time hereafter be naturalized are allowed the same privilege. The sections are therefore at war with each other, and it is for gentlemen to determine which they will adopt and which reject. I contend they are bound to reject the second section, for it will be recollected, in the course of the discusssions this session in relation to the pacific advances, as they are termed, made to the British Government since the declaration of war, almost every gentleman of the majority who spoke on the subject availed himself of the unauthorized proposition, which Mr. Russell tells us he made to Lord Castlereagh, viz: that all British seamen should be excluded from our public and commercial service, except such as had already been naturalized. Gentlemen have given, on various occasions, their approbation to this proposition, and brought it in aid of their arguments as a legitimate Executive act. I require then that you seal your approbation of that alleged proposition by making the provisions of the bill co-extensive with it. If you do not, you condemn that which you heretofore professed to approve.

Mr. Chairman, the gentleman from Tennessee (Mr. GRUNDY) contends that no distinction exists, that none ought to be made, as to the extent of privilege or prohibition between native and naturalized citizens. This position is in a great degree correct, and whilst the two descriptions of persons remain within the jurisdiction of our laws, they are equally entitled to protection; and I should very reluctantly give my assent to any law, which had for its object the abridgement of one single right or privilege which naturalized citizens now enjoy and have been accustomed to exercise; nor do I contend for the exclusion of those already naturalized, from the maritime service of the United States. My feelings are against such a course; the sentiment of the country is against it; and the individuals themselves, from the long enjoyment of the right, would think themselves abandoned. Moreover, the inconsiderable number of persons of that description in our sea service, will prevent it from being a question of

serious import, if this country and Great Britain are disposed to accommodate the differences which unfortunately exist. But, sir, if the question is to be decided on abstract principles of national or social law, whether one nation can, by any contract, expressed or implied, with a native citizen of another nation, totally dissolve the political obligations which existed between such citizen and his native State, it must be determined against such a right. I contend that all civilized nations do recognise material distinctions between their native and adopted citizens. Distinctions which arise from the nature and first principles of society—principles which impose obligations and duties paramount to Constitutional or written law, and without which nations could not exist and individuals would be always insecure. These great principles are on the part of the nation protection, and on the part of the citizen allegiance; and as it is admitted that a nation cannot denationalize at pleasure its citizens, so neither can the citizen by any act of his own, or by consent with a foreign Government, expatriate himself, and become to all intents and purposes an alien in relation to his native State. Nor do these principles interfere with or contravene the naturalization laws of our own or any other country, which are merely municipal regulations, in the nature of a contract between the individual and the naturalizing country, subject at all times to the superior claims of the native country, when the citizen leaves the adopted nation or places himself in the power of his native sovereign. We all know that Great Britain denies the right of expatriation—we also know that her naturalization laws are expressed in the same or broader terms than our own. How is it then possible to reconcile this apparent inconsistency without resorting to those great first principles of civil society which I have stated? By doing which all is rendered clear and intelligible. I am also authorized to state that the same doctrine is held by our own courts, and may be illustrated by a plain case: Suppose a native American citizen, possessing real estate in this country, where aliens are not entitled to hold real estate, should go to England and there become naturalized; would he, by thus being naturalized in a foreign country, be considered in all respects as an alien and his lands subject to confiscation as in case of aliens? I presume there can be no difficulty in deciding that the person thus situated would not be considered an alien, and were he to return to this country he would enjoy his lands, receive the protection of the Government, and be obliged to perform the duties of a citizen.

It is unnecessary to say more on this part of the subject, or to further demonstrate the incorrectness of the gentleman's position, that there is no distinction between native and naturalized citizens. I hope we shall seldom be under the necessity of making a distinction; but it is important that we should know our duty, and always if possible do right.

Mr. Chairman the eighth section of this bill is peculiarly objectionable. It is inconsistent with the idea, so much insisted on, that this measure is intended as a beneficial, permanent regulation; because you trust to the convenience or good pleasure of other nations, whether it is ever to have any effect or operation whatsoever. You exhibit the strange spectacle of an independent nation depending on foreign Governments for the effect of laws which you say are intended as general and permanent and not arising out of the particular circumstances of the country. As a measure of pacification, it is altogether unnecessary, it may prove injurious—unnecessary, because we never have complained of the employ even of our seamen by other nations. The superior inducement to men in our employ is the best security for their services, and nothing but the continuance of your wretched restrictive system can drive them from their country. It may and in all probability will prove injurious; because Great Britain will not finally abandon the right of impressing from on board neutral merchant vessels, in consideration of that kind of security which is given by this bill, that none of her subjects shall be on board; she will not thus barter away the right of expatriation, against which she has so long and invariably contended; and unless she is extremely desirous of putting an end to this war, which we ourselves have declared, she may not be disposed to exclude from employ those American seamen who have voluntarily entered the service and may wish to continue.

In point of principle this section is also highly objectionable, and is the very opposite extreme of all those doctrines about personal rights, with which we have been so repeatedly assailed by gentlemen in the majority. We here require other nations to exclude our native citizens from their maritime service. Have gentlemen well considered the extent of this principle? Do they recollect the maxim, that what we do by another we ourselves do? I ask, then, if we have the right not only of denying to our citizens the privilege of expatriation, but of locomotion—the right of leaving the country in time of peace, and seeking such temporary employ in other countries as their inclination or interest may point out? If we cannot do this, we cannot procure it to be done through the instrumentality of others.

If you admit this power in the Government over the citizen, all your fine theories about personal rights vanish. You admit more than Great Britain has ever contended for—more than I deem correct, and more than is necessary or proper as a peace offering; if indeed this war was commenced or prosecuted for anything like the principle here involved: the fact is, no principle is in contest, and if there were, we give it up by this bill; for although it is said, in the report which accompanied this bill, that the flag shall protect those who sail under it, yet in the same breath all those are excluded from it whom our enemy contends are not entitled to be thus protected.

I had intended, sir, to comment more at length on the extraordinary nature and character of this war, but the gentleman from Virginia (Mr. NELSON,) who preceded me, has rendered it unneces-

sary—particularly as his exposition is entitled to more weight from the circumstance of his having been an advocate for the declaration of war. That gentleman has correctly stated that the continuance of this war exhibits a phenomenon to the world. "Ask," says he, "any man for what we are fighting, and he cannot tell you. Is it for the right of prohibiting British seamen? We disclaim any such right. Is it for the protection of American seamen? Great Britain does not deny our right. It is then solely for the abuse in the exercise of those rights, and in the practice of both nations wrong has been done to each other. Great Britain has a right to her seamen, and in the severe contest in which she is and has long been engaged with France, she required their services. The unlimited employ which we give them operated injuriously to that Government. On the contrary, in the exercise of the right of impressing her own subjects, American citizens often by design or mistake become the victims—thus the question solely turns on the abuse of acknowledged rights."

This I understood to be the substance of the argument of the honorable gentleman from Virginia. It is unanswerable—and it is the duty of this House, as far as depends on them, to remedy this abuse and then stop. The misfortune has been, in all the negotiations and discussions on this subject, we have been eternally involving fine-spun disquisitions about principle, without seeking a remedy for practical abuse.

The gentleman from Tennessee (Mr. GRUNDY) has resorted to an argument in favor of this bill, which I doubt not will be irresistible with many of his political friends, and which developes but too plainly its real object. He has stated that he does not believe it will lead to peace. I say it cannot become a permanent regulation, because its operation is made to depend on a state of peace. But, says this gentleman, it will place the opposition clearly in the wrong—strengthen the powers that be, and give popularity to the war. For myself, sir, the gentleman is perfectly welcome to all the benefit which he may anticipate from such an argument. I can assure gentlemen of the majority that it is not for the love of opposition, but from a sacred consciousness of duty, that my name is so frequently recorded against them; and whenever they may do right, whatever be their motive, I hope not to be found in the opposition. They ought, however, to recollect, that real virtue brings with it its own reward—that the merit of a good act is much impaired by an incorrect or unworthy motive. I therefore hope that those who hold in their hands the destinies of the nation, will be actuated not so much by the desire of placing others in the wrong, as by the superior and laudable desire of doing what is right, regardless of consequences. Motives of action, which spring from the allurements of place and power (in a Government so equally and happily constituted as this) can seldom or never be felt by those who are really qualified to administer its public concerns, who are entitled to public confidence. I disclaim those influences on myself—and were the country in the enjoyment of its wonted peace, or could I perceive, in the virtue and wisdom of those who govern, the prospect of its ultimate safety and prosperity, I would willingly retire from the turmoil of this assembly, and seek for quiet in more humble scenes.

When Mr. P. sat down, the Committee rose, reported progress, and had leave to sit again.

FRIDAY, February 5.

Mr. GHOLSON, from the Committee of Claims, reported the bill from the Senate "for the relief of Reuben Attwater" without amendment, and the bill was then committed to a Committee of the Whole to-morrow.

Mr. WIDGERY, from the committee appointed on the 3d instant, presented a bill for altering the time for holding the District Court in the district of Maine; which was read twice, and ordered to be engrossed and read a third time to-morrow.

The House proceeded to consider the report of the select committee on the petition of sundry inhabitants of Knox county, in the Indiana Territory; when the said report was again read, and committed to a Committee of the Whole to-morrow.

On motion of Mr. GOLD,

Resolved, That a committee be appointed to inquire into the expediency of altering the time of holding the District Court in and for the district of New York, (other than those in the City of New York,) and the District Court in and for the district of Virginia, holden at Norfolk; and, also, of extending the provision of the "act for the more convenient taking of affidavits and bail in civil causes depending in the Courts of the United States," to Judges of the District Courts; with leave to report by bill, or otherwise.

Mr. GOLD, Mr. BASSETT, and Mr. BLEECKER, were appointed the committee.

On motion of Mr. MCKIM,

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of relinquishing, in favor of the officers and crews of the public armed ships of the United States, a greater portion of the value of prizes than they are now by law entitled to; and, also, to inquire into the expediency of providing further encouragement to equipping and employing private armed vessels of war against the ships and commerce of the enemy; and that the committee have leave to report by bill, or otherwise.

REGULATION OF SEAMEN.

On motion of Mr. GRUNDY, the House went into Committee of the Whole, on the bill prohibiting the employment of foreign seamen in the service of the United States—Mr. SEYBERT'S motion for striking out the first section still under consideration.

Mr. DESHA said that a sense of duty compelled him to express his disapprobation of the bill under consideration, for the regulation of seamen on

board the public vessels and in the merchant service of the United States. As one of the Committee of Foreign Relations, said he, I opposed this bill, and have to regret that it ever was reported. I may be mistaken, sir, but I view this measure, if adopted, as being attended with the most deleterious consequences; for, instead of its having a tendency to conciliate Britain, or our political opponents, it will, I am afraid, have a tendency to irritate and disgust the friends of the Administration, the firm supporters of the war, and paralyze the national energies, by operating injuriously on the loans, and the recruiting service. Sir, the injustice of our enemies forced us into war; the true policy of this Government is to prosecute it with vigor, in order that it may be brought to a speedy and honorable termination, instead of persisting in that disposition for temporizing; a kind of policy that has degraded us beyond calculation—caused us to lose credit abroad and respect at home, and brought us almost to the brink of ruin. I view this measure as a link of the old temporizing chain; a link that will ultimately break and suffer the small remains of national respectability to be prostrated.

This measure, sir, however gentlemen may disguise it or try to gloss it over, is nothing more nor less, than an overture, in the shape of a law, to Great Britain for peace. It is in fact begging for peace; it is humbling ourselves at the footstool of British corruption. For, sir, the substance, as contemplated in this bill, has three several times been proposed to the British Government since the declaration of war. The two first times it was rejected in a very indecorous and insulting manner; the last time, it was treated with silent contempt. Mr. Chairman, I must take up a few moments of your time in referring to some documents. If gentleman will turn their attention to the letter from Mr. Russell to Lord Castlereagh, of the 24th day of August, 1812, they will find the proposition made the first time. Mr. Russell says, speaking of his Government:

"It has, therefore, authorized me to stipulate with His Britannic Majesty's Government an armistice, to commence at or before the expiration of sixty days after the signature of the instrument providing for it, on condition that the Orders in Council be repealed, and no illegal blockades be substituted for them, and that orders be immediately given to discontinue the impressment of persons from American vessels, and to restore the citizens of the United States already impressed; it being moreover well understood that the British Government will assent to enter into definitive arrangements, as soon as may be, on these and every other difference, by a treaty to be concluded either at London or Washington, as on an impartial consideration of existing circumstances shall be deemed most expedient. As an inducement to Great Britain to discontinue the practice of impressment from American vessels, I am authorized to give assurance that a law shall be passed (to be reciprocal) to prohibit the employment of British seamen in the public and commercial service of the United States."

Well, sir, in Lord Castlereagh's letter to Mr. Russell, dated August 29, 1812, the answer will be found; in which, after giving some specimens of his diplomatic chicanery, he says:

"The British Government now, as heretofore, is ready to receive from the Government of the United States, and amicably discuss, any proposition which professes to have in view, either to check abuse in the exercise of the practice of impressment, or to accomplish by means less liable to vexation, the object for which impressment has hitherto been found necessary; but they cannot consent to suspend the exercise of a right upon which the naval strength of the Empire mainly depends, until they are fully convinced that means can be devised, and will be adopted, by which the object to be obtained by the exercise of that right can be effectually secured."

Mark, well, Mr. Chairman, that in this last sentence, couched in ambiguity, the bait lies, at which we are nibbling. There appears to be a shadow of hope left, that if we would make an overture in the shape of a law, promising not to employ British seamen, that perhaps we might yet obtain a relinquishment of the principle of impressment by negotiation. Vain hope! They are only leading us on by degrees to see how low we can stoop—how far we can degrade ourselves. It is indeed like a drowning man catching at a straw.

Well, sir, in Mr, Russell's letter to Lord Castlereagh, dated September 12, 1812, we find the same proposition in substance was made, except as respects the Orders in Council, they having been suspended; and in Lord Castlereagh's letter to Mr. Russell, of the 18th of the same month, you have the answer and rejection. I will read the latter part of his letter, which is as follows:

"This course of proceeding, as bearing on the face of it a character of disguise, is not only felt to be in principle inadmissible, but as unlikely to lead in practice to any advantageous result, as it does not appear, on the important subject of impressment, that you are either authorized to propose any specific plan, with reference to which the suspension of that practice could be made a subject of deliberation, or that you have received any instruction for the guidance of your conduct on some of the leading principles, which such a discussion must in the first instance involve. Under these circumstances the Prince Regent sincerely laments, that he does not feel himself enabled to depart from the decision, which I was directed to convey to you in my letter of the second instant."

Well, sir, what is the substance of this letter to which Mr. Russell is referred for a final answer? Why, sir, notifying him that R. G. Beasley has the liberty of residing in England as the United States agent for prisoners of war, and that he encloses him his passport; which amounts to saying to him, that we are tired of your importunities, we are not disposed to grant any of your requests, and that you may return to your Government and make report.

Here, sir, is the second time the proposition was made since the declaration of war, and you see how it was treated; with hauteur, accompanied with insult, by a direct charge of duplicity or disguise. Well, sir, it appears from a letter from the Secretary of State to Admiral

Warren, dated October 27th, 1812, that overtures for a pacification was made the third time, which was treated with silent contempt—they have not even condescended to answer the letter. Now, sir, will we have no more respect for our national character and standing than to truckle at the feet of our oppressors by making the proposition the fourth time, which would virtually be the case if we adopt this measure? Sir, however gentlemen may, by casting a veil over it, try to disguise or hide its deformities from the people, they will understand it; they are not to be deceived—they will view it as humiliating to the American character; they are not destitute of information, as the gentleman from Tennessee (Mr. GRUNDY) seems to insinuate, when he says it is necessary to let the people know what is the matter in controversy—what we are contending for—and if they are in an error take the bandage from their eyes. Sir, for years back considerable numbers of the documents have been printed—generally from five to ten thousand copies—which have been distributed through every section of the Union, and, I have no doubt, critically examined. The people read, understand, and judge for themselves. They have deliberately declared, as appears in the recent elections, that the war in which we have embarked is a just war, and I have no hesitation in saying that they will support it at the expense of blood and treasure; but rest assured, sir, that if they discover a disposition in the Administration to temporize any longer; to retrograde, or, if gentlemen like the term better, I will say back out, by the adoption of this measure and the repeal of the non-importation, which I understand is contemplated, however much confidence they may have in the Administration, they will at least withdraw a portion of it. They calculate, and very justly too, that while there is any disposition to temporize, nothing of a decisive character will be done by our arms. Sir, if this measure of promising that after the conclusion of the war you will not employ as seamen on board of your public vessels or vessels owned by citizens of the United States, or sailing under their flag, any persons but natural born citizens of the United States or citizens of the United States at the time of a treaty being made, or persons who being resident within the United States at the time of such treaty, and having previously declared, agreeably to existing laws, their intention to become citizens, is not intended to conciliate Britain, in the name of common sense what is it intended for? It is not to take effect till the termination of the war. Then why legislate in anticipation? Why adopt it at this time? Why not suffer it to remain in the hands of the treaty-making power, to form an arrangement in a treaty when one shall be concluded? No, sir, gentlemen have become discouraged; things have not gone on as they expected. The disasters and discomfitures that our arms met with the last Summer have, I am afraid, made them despond, as the adoption of this measure looks very much like trying to shuffle out of the difficulty. Sir, if those who by their valor achieved our independence had suffered themselves to be discouraged by trifles, we would yet have been in a state of vassalage to Britain. But gentlemen ought to recollect that it is very natural for discomfitures to occur at the commencement of a war, after thirty or forty years' peace. The people, sir, are not in a state of despondency, but, on the contrary, the defeats of last Summer have had a tendency to rouse all the military ardor in the country. The people know their rights and will protect them. Sir, if we will lay aside our temporizing, and do our duty, the people will do theirs.

But, say gentlemen, this measure will have a tendency to conciliate our own citizens and put down Federalism. Mistaken policy! I have no hesitation in believing that four-fifths of the people at least are attached to the cause, and will support it at the expense of blood and treasure; and, as to conciliating Federalism, this you have tried often, and have as often failed. Nothing will satisfy them short of putting you out of your places, ousting you from your seats. I repeat it, sir; it is mistaken policy. Your true policy is to lay aside temporizing. Give up all thoughts of succeeding by negotiation with a Government whose acts are marked with Punic faith. Hold out liberal bounties, by which speedily obtain a formidable army and prosecute the war vigorously and successfully. Then, sir, you not only silence Federalism, but put it down, and raise the spirits of the citizens generally.

Sir, what were the objects in view when we embarked in this war? To have commerce unshackled, a relinquishment of the principle of impressment, a releasement of our impressed citizens, and a remuneration of damages sustained by spoliations on our commerce by British cruisers; to stop short of this would in my mind be the height of imbecility, because we have the physical force as well as the whole resources necessary to insure success. Although war is an evil, therefore is to be deprecated, yet it is often necessary and even an indispensable evil, when by that alone those claims can be supported, which it would be baseness to renounce. Such is our present situation. It is not now to inquire how we got into war; but the question is how to get out of it honorably! What are the means to be adopted the best calculated to bring it to a speedy and happy conclusion! Temporizing any longer won't do. No, sir, you must double your diligence and energies in nerving the national arm, in order that it may be prosecuted vigorously and successfully. We ought never to lay down our arms short of having our rights amply redressed, and complete remuneration for damages; and the only remuneration we have within our reach is, to lay hold of the British North American provinces. The Federal gentlemen, Mr. Chairman, those exclusive friends of peace, will act perfectly consistent in voting for this bill; they were opposed to war, they would be consistent in voting for any pacific overture. But I confess I am at a loss to know how gentlemen who were advocates of and voted for war,

can reconcile it to consistency to be in favor (particularly at this time) of overtures of pacification; but, as I am not disposed to arraign motives, I will leave it to gentlemen's own ingenuity to reconcile.

Sir, recollect you are putting a powerful weapon in the hands of your opponents, which I suspect will not be wielded much to your advantage. One of the objections to the declaration of war was, because it was premature. You are now by the adoption of this measure putting the proof into their hands, as it will not only be considered an attempt to ease off, but varying the cause of the war; because, if the principle contained in this bill did exist at the time of the declaration, there is no necessity for its adoption; if it did not, it must unquestionably be considered as varying the cause of war. But, say gentlemen, as a municipal regulation, this is necessary, and that is due in justice to our enemy. If this is a fact, sir, we have done Britain extreme injustice in not adopting it sooner. How has it happened that this discovery was never made before this time? We have been negotiating on the subject of impressment and seamen upwards of twenty years; it is rather astonishing if we had not ingenuity enough to make this important discovery ourselves, that the British, among their able diplomatic characters, should not have notified us of it. If it is the fact, that we have been doing them injustice for upwards of twenty years, (which, by the by, I do not admit,) could we be surprised at their refusal to do us justice? Sir, admitting that there was no objection as to the time of making an overture, can we calculate on getting out of the war by overtures of pacification, after the recent declaration of Castlereagh to Mr. Russell, when he says, (speaking of impressment,) that they cannot consent to suspend the exercise of a right upon which the naval strength of the Empire mainly depends?

I make great calculation, sir, from this war, if well managed; hence my extreme dislike to anything that looks like temporizing, and anxiety for a vigorous prosecution of it. Sir, independent of its putting us in possession of the British North American provinces, which will heal the national wound and measurably remunerate us for damages; drive off a dishonest and troublesome neighbor; destroy British influence over the ferocious savages, by which arrest the tomahawk of those barbarians, and preserve the innocent inhabitants on our frontiers from being inhumanly massacred: I say, sir, independent of these considerations, which on my mind are of no inconsiderable magnitude, it will check the spirit of intrigue—put down the pestilence of foreign influence, which is the angel of discord, consequently of destruction, to elective governments.

Mr. Chairman, I object to this bill, because as it now stands, (if I understand it right,) it abridges the right of expatriation, a right inherent in man, and places naturalized citizens on a better footing than native born. I am opposed to making any discrimination. I object to it, sir, because it does in a measure check emigration to this country, by laying the captain or master of a vessel liable to a penalty of five hundred dollars for taking on board passengers, unless they produce a certificate from the proper officer of their own Government. We want citizens, sir, particularly mechanics and manufacturers, to enable us finally to become in reality independent of the conflicting European despots. I object to it because the arrangements contained in it are not reciprocal; it is calculated in some instances to cramp us, while the opposite party is left perfectly free. But, sir, if these objections in detail, should by amendments be obviated, I should object to it on principle, as holding it derogatory to the nation's honor to make any further advances at this time for a pacification, particularly while our arms remain in the degraded situation in which they were placed by last Summer's campaign. I am for letting the advances come from the other side of the water—I am for going on (and not looking back) to a ten or twenty years' war, if it should be at the expense of hundreds of millions of dollars, rather than succumb to tyranny. Sir, we have nothing to fear but wayward or indecisive policy on our part; the people know their rights and will protect them. I have no hesitation in believing, that in a country where power is bottomed on the will of the people, where liberty reigns triumphant, patriotism will, at all times, be made the order of the day.

I regret that I have, on this occasion, to differ from a number of my political friends, with whom it has been my pride to act. I have no doubt (however mistaken gentlemen may be) but they are actuated by the purest of motives; and I flatter myself, from my course of conduct, that I have a right to demand a correspondent liberality. I calculate on being in a small minority; but that shall not deter me from discharging what I believe to be my duty to my country, my constituents, and my own feelings. I shall vote in favor of striking out the first section of the bill.

Mr. King.—It is, Mr. Chairman, with a reluctance almost unconquerable, I now rise to address you. I am conscious, sir, I feel I shall not be able to express my opinions on this subject as I could wish. Impelled, however, by a sense of duty to myself and to my friends, from the course I have heretofore taken, I shall as concisely as possible endeavor to assign some of the reasons by which my vote will be influenced; and trust I shall be enabled to command the attention of the Committee for the few moments I shall detain them. Sir, I was one of those who contributed (by a vote at least) to the declaring of the war in which we are now engaged. I was at that time, after the most mature deliberation which I was competent to give the subject, firmly impressed with the conviction that it was a measure demanded by the safety, the honor, and best interests of the nation. This opinion I have never changed. I look forward to a vigorous prosecution of the war as the only certain mean by which the great objects for which it was commenced can be attained. Sir, America, after long forbearance, having thrown off the mantle of peace, and gird-

ed on the sword of battle, must not recede from the ground which she has justly taken, till her every important right is secured to her. But, sir, while I feel thus determined to prosecute this war, I am free to declare, that narrowed as the grounds now are, I should have hesitated to engage in it—I believe I should not have given my vote for its commencement; but, once engaged, the face of affairs are altogether changed; by this abandonment, you yield one of the most important points for which the war was begun—you tacitly acknowledge the right of impressment; we yield the principle; we withdraw our protection from a great and valuable class of our citizens, and bind in shackles our most remote posterity, which the strong arm of the nation will scarcely be able to break. But, sir, while as Representatives of the people, it is our imperious duty to guard their rights, and repel from them every encroachment, it equally behooves us to contend for right alone. Sir, we must not stand on punctilio; we cannot bring disgrace on this nation by an act which justice demands, which true policy requires. The people of our country are a brave, an honorable, and high-minded people; but they are a just and virtuous, not an ambitious and quixotic people; they possess a greater portion of intelligence, and more correct ideas of the principles of their Government, than any other people on earth. I trust there is no disposition, but, were there, you could not conceal from the people the nature of this contest and the true grounds on which we stand. We owe it to them to speak plainly, we owe it to ourselves; on them will the burdens fall. Yes, sir, the blood tax and the money tax, I have no doubt they will bear them. I believe (notwithstanding unwearied and unceasing efforts have been made by men of intelligence, men of high standing, to deceive and mislead the people as to the causes of this war, with a view to self-aggrandizement) there is not a people on whom the sun of Heaven shines, more disposed to support their Government, or who will submit to greater sacrifices to promote its just views, than the great majority of this nation. Why, then, Mr. Chairman, hesitate to speak a plain language to our people? I know and feel we are contending for our just rights and for them only; then, sir, pass this bill, and you drive from the mind of every honest man in the community every prejudice which misrepresentation has fixed there. They will vanish, sir, before the blaze of truth, like the shades of night before the morning beam. The investigation of this subject, Mr. Chairman, has devolved on abler hands; I shall not, therefore, enter into any examination of the details of the bill, but merely confine myself to the principle involved. It is a position uncontroverted by the history of nations, that no Government willingly relinquishes the services of her citizens. It is true, sir, they have acquiesced in the right of naturalization, and have so far yielded their rights over them; but previous to a legal and authenticated act by which former allegiance is renounced, and the protection of another Government acquired, no Government has a right to withhold their services from the Potentate or Government to which they were originally bound. Sir, Great Britain, at a vast expense, rears her seamen for her service, and they are believed to be essential to her existence as a nation. We have never denied her right to them. The great complaint has been the manner in which they have been taken. Sir, in permitting the employment of a few hundred, to whom we could not properly extend protection, we have jeopardized thousands of our native citizens, who are now dragging out their lives in a slavery which to a free-born mind is the most detestable. For the establishment of these facts, I refer gentlemen to documents which have been laid on their tables. Sir, I am aware that the abandonment of her service by her seamen, is by Great Britain not unfrequently used as a pretext for the seizing on the brave and hardy sailors of this nation, and dragging them into her service. But while I would never abandon these men—while I would fight so long as there was an inch of ground to stand on, rather than sacrifice on the shrine of interest the personal liberty of one man in the nation to whom the Government stands pledged to extend protection, I protest against shedding one drop of American blood, or expending one cent of the money of the nation to protect foreigners who have never entered into the compact, and are aliens to us in every sense of the word. Sir, if the securing the personal rights of our seamen—if the extending protection on the ocean to them, and them alone is what we have in view, I ask what more effectual mode can be devised than the one proposed by this bill? Sir, by its passage, you take away the pretext—you deprive that country of her apologists in this.

What, I would ask, Mr. Chairman, are the objections urged against this bill? In the first place we are told we are receding from the war. This, sir, I must be permitted unequivocally to deny. In a Government like ours, no contest in which we can be engaged, with any nation whatever, can be prosecuted with vigor and effect, unless the people are with the Government. Sir, the passage of this bill will unite our people; every man in the nation will see the grounds on which we are contending; the justice of our cause will be made apparent; they will move as one man; they will be actuated by the same impulse; and the war must be successful; it must terminate in the complete restoration of those rights for which it was commenced. Sir, in this point of view it is one of the strongest war measures. I am not induced, Mr. Chairman, to advocate this bill with a view, as has been intimated by some, to break down Federalism. To me it is indifferent whether they sink or swim—to me it matters not by what name men choose to distinguish themselves, provided they pursue the course demanded by the best interests of this nation; but this I will venture to predict: should ambition get the better of a love of country, should wish for power still stimulate to opposition, the people will desert them. Yes, sir, their eyes will be opened; they will depart from them, and cleave unto their Government—the free government of their choice.

But we are told that this is intended as the basis of a peace. Sir, should peace be the consequence of this measure—a measure right in itself—I should hail it with the most heartfelt pleasure; with a pleasure so much the greater, as I was one of those who contributed to the commencement of this war; and now, by an act just and proper, have restored to my country an honorable peace. I must, however, confess I am not so sanguine as some seem to be as to this result. I agree with the gentleman from Kentucky, (Mr. Desha,) that the only effectual way to command peace, (which would be honorable and advantageous to this nation,) is to prepare to prosecute the war. Sir, I have gone as far as that gentleman in making the necessary arrangements. It behooves us to be prepared; the war was commenced by us for the attainment of right; that unsecured, it must not be abandoned. But, sir, we are also told that this is a measure altogether unexampled. I ask, is it just? is it right? is it proper? If so, why ask for precedent? Does this country want a precedent in performing a duty to itself, and to others? Shall America, famed for its justice, search the musty records of the tyrannical Governments of Europe, before she determines to do an act of justice to nations? I hope not, sir; I hope we shall not suffer the pride or ambition of kings to influence our determinations: I hope we shall not, with a view to screen ourselves from the charge of inconsistency—from the charge of desertion from that political party to which we are said to belong, draw down incalculable evils on the country. Sir, I hope we shall not permit local feeling or local interest to influence us on this occasion; we are now legislating for a great people, bound together by common ties; let us discard all minor considerations and consult the general good. Sir, I beg leave to enter my decided dissent to the declaration of the gentleman from Kentucky—"that we need these foreigners, and that our interest will be promoted by encouraging their emigration." We want them not; for one, I regret that such a law as this now proposed was not adopted for years past, thereby giving greater encouragement to the native seamen of our country, (than whom there are none superior,) and preventing some of the points of collision which have unhappily arisen between this Government and others. Sir, I view this as a permanent municipal regulation, and in that light conceive most of its excellency to consist; as thereby the grounds of contention will gradually disappear, and not only remedy present evils, but prevent our exposure to them in future. We are also told, Mr. Chairman, that this is an intrenchment on the Executive power; that the adopting such regulations properly belongs to the treaty-making power, and to none other. Again, I am under the necessity of differing with the gentleman; but will content myself with calling the attention of the House to the propositions made to the British Government by Mr. Russell, in conformity with instructions given him by Mr. Monroe. Sir, the necessity of a law of Congress is, then, unequivocally admitted. No man who has turned his attention to the provisions of the Constitution, and looked into the various negotiations on the subject of impressment, can entertain a doubt of the necessity of a law to enable the Executive to carry into effect any treaty which might be made, embracing the objects contemplated by this bill. Mr. Pinkney and Mr. Monroe, in their exposition of the treaty made by them with the British Government, (in which this subject was not adjusted,) expressly state "that its arrangement will greatly depend on the regulations which Congress may adopt." Sir, if a law is necessary, and that it is has ever been admitted, why object to its adoption?

But we are told, Mr. Chairman, that this law is unconstitutional. Whatever benefits I might have anticipated as likely to flow from this measure, had this position been established, I should have given it my decided negative. From the requisitions of that sacred instrument (which I have not only sworn to support, but feeling as an American that to preserve it holy and to guard it from violation is the only preservative of the rights and liberties of my country,) I will never depart from it. But, sir, on this occasion no such difficulties present themselves. The shadow of a doubt never rested on my mind. But the gentleman from Maryland (Mr. Archer) has so fully refuted the argument of my friend from Pennsylvania (Mr. Seybert, for whose learning and ingenuity no man can think more highly) founded on the unconstitutionality of this law, that little I conceive need be said by me on the subject. Sir, the Constitution is nothing more or less than a compact between the several States composing this great Union, by which they bind themselves to submit to a General Government; while they vest in the Legislature, thus established for the government of the whole, the power to prescribe the rule by which persons not entitled to the privileges of the compact are to enter in and become entitled under the stipulation prescribed. Sir, we now propose to exercise that right, so vested in us. I will not dwell on the power of Congress to regulate commerce and navigation, by which the exclusion can be extended even to our native citizens: but will barely remark that I must be permitted to question the competency of my friend from Pennsylvania, when he attempts to become an expounder of constitutions. The gentleman from Pennsylvania has related a conversation between a Marquis of France and Lord Shelburne, the British Minister, in which the latter is represented as saying to the former, "Had France held out, had she not lowered in her demands, she would have obtained everything she asked." And this is the line of conduct the gentleman would prescribe for us. Sir, the only terms we want are those which justice dictates and right demands. I trust our Government will never require more. I trust we shall not engage in a political game of *brag*, in which I am informed by those who profess to be adepts, that the principal requisites are to keep a serene countenance, hold up your hand, and brag most lustily;

and should your adversary happen to have less firmness, you are sure to gain your point. Is this the course gentlemen would advise for this Government—a Government distinguished for its love of justice and determination to do right—unambitious of conquest, unwilling to intrench upon the rights of others, merely anxious to retain her own? I hope, sir, no act of ours will ever work the forfeiture of this character. And now, Mr. Chairman, I should, in compliance with my promise to detain this Committee but a few minutes, be content to take my seat, but for the observations which fell from my colleague (Mr. PEARSON) on yesterday. Sir, in his then commentary on the speech of a former day, I must be allowed to say I could but admire the tenacity with which the gentleman adhered to the pledge by him before given; and I must also be permitted to express the great pleasure I feel at the generosity and magnanimity which my colleague has manifested—for, sir, he tells us, "Go all lengths with me in the course which I have chalked out, and then I will go a great way with you." Sir, this is vastly generous, and for one I feel disposed to be very thankful to the gentleman for his accommodating spirit. My colleague, Mr. Chairman, appeared to be laboring to impress us with the belief that we did not owe protection even to our naturalized citizens, and with this view questioned the right of expatriation under any circumstances. Sir, the gentleman supposed a case which is directly at variance with the established usages of nations, which can alone fix the law—and from this case attempted to prove his position. "Suppose (says the gentleman) an American should leave his country, become naturalized 'according to the laws of England, would he be 'deprived of the right of holding lands in this 'country?" This, I say, sir, would entirely depend on the municipal regulations which might be enforced by the country which he has thus abandoned. Sir, it has nothing to do with allegiance. Sir, this is a fictitious case, and, applying it as the gentleman would wish, is indeed fiction all—we cannot serve two masters. Mr. Chairman, I request, I entreat gentlemen to give to this subject a moment's serious reflection; to take a view of the embarrassment its rejection would give to the Executive; to view it dispassionately, and not suffer the warmth of their natures to get the better of their judgments. I hope, sir, the bill will pass: I am firmly impressed with the belief that its advantages will be many and lasting; and, so viewing it, shall give it my decided support.

Mr. RHEA followed Mr. KING in favor of the bill, and opposed the motion for striking out the first section.

Mr. BOYD was in favor of the principle of the bill, though he disliked the delay which prevented its being sooner proposed.

Mr. PICKENS.—Mr. Chairman, with the indulgence of the Committee, I will, in a few words, present you with my views upon this question.

The highest argument with me in favor of the bill, is in the intrinsic justice of the principle it contains, and its consistency with our own professions on the subject of impressment. This will appear evident from a fair view of the point of difference between us and our enemy on this subject. What is that point? It is this: Our Government has ever contended that its flag should protect the seamen employed under it. Great Britain asserts the right of seizing and impressing from on board our vessels her own subjects. Our position is supported by two conclusive reasons: 1. As the flag represents the sovereignty of the nation to which it belongs, any violence on those over whom it waves, is, through it, an act of war on the national sovereignty, and inconsistent with a state of dignified peace; 2. The power of making impressments from our vessels, is, from its very nature, liable to constant and serious abuse, which our experience has too strongly proved in the thousands of our citizens, native as well as naturalized, who have been seized as British subjects, and are now compelled to fight against their country. This reason urges itself more forcibly as respects Britain and America, whose inhabitants have the same language and manners, than it does between any other countries of the world, most of which have striking peculiarities from which their seamen may be distinguished. Whatever propriety, therefore, there might have been in former times in the exercise of the power which England styles "her ancient and accustomed practice of impressment," as relates to other countries, reason and experience unite in declaring that, as respects America, it cannot be tolerated. If, then, our principle be correct, that the flag is to be viewed as the only criterion between our seamen and those of Britain; if it is to be a sanctuary to all persons employed under it; justice requires that those employed should be rightfully there: otherwise, we should act unjustly and inconsistently with our own principles. If we admit as seamen persons who are the rightful property of another State which may want them, and give them the protection of our flag, our Government becomes directly an instrument of injustice and injury to such other State, and will be bound, in justice and fair dealing, to make remuneration to the injured country, in the usual mode of dealing between nations.

It is a position, not denied, that a State has a right to the service of its citizens or subjects, until they shall have been regularly adopted by another country, and while they are without the jurisdiction of any nation. The only relation between an alien not naturalized and his new State arises from residence merely; and when that ceases, the relation ends. The moment he sets his foot beyond the jurisdictional limits of the State, he is subject to be reclaimed by his former Sovereign; provided it may be done without violating the real or representative sovereignty of an independent nation, its dominion, or its flag. To render just our side of the contest, it is, therefore, our duty to exclude from employment in our vessels, as seamen, the subjects of Great Britain not naturalized, and whom that nation wants. This

is the leading object of the bill, and will embrace nine-tenths of the persons proposed by it to be excluded from naval employment. The only remaining class will be those aliens who may in future come into the country, and first become naturalized. Among this class you will find few seamen. Those who become citizens by five years' residence are of a different description. The whole class of persons excluded from the protection of our flag, as proposed by the bill, except such as justice and consistency already require, is merely nominal, and their exclusion is a mere question of policy, without any consideration of duty or obligation.

But, gentlemen have cited, with some emphasis, the conduct of England, whose navigation laws adopt as citizens the seamen of other countries, on their marriage in the Kingdom, or two years' residence. How this applies, I cannot see, unless, indeed, they consider the sanction of British policy too sacred to be departed from. I would, however, ask them, whether it would not be a more dignified policy in our Government to adopt a course which justice and prudence approved—pursue it ourselves, and enforce its observance by others—than to blunder on in the errors of other countries? But, if the terms of naturalization in England were equally favorable in all cases, we would still have the advantage in encouraging emigration, owing to the freedom of our laws, the variety of employment, and the price of labor. Among those who choose a regular residence here, and become entitled to the rights of citizens, seafaring men are rarely to be found. The only question is, whether the exclusion of this nominal class of persons, from employment in our vessels, will afford us advantages equivalent to those which would arise from their service? By the eighth section of the bill, its operation is confined to nations making a similar regulation, and desisting from impressment; yet, the gentleman from Maryland (Mr. Wright) could see no provision relating to impressment, nor did he believe that such word was mentioned in the bill. The gentleman, however, is excusable, as it seems he never had read the bill until he opposed it.

The advantages from such an arrangement will be, to waive the long and useless disputes about expatriation; it will silence all doubts about the character of persons employed in our vessels. Wherever the American flag waves, we will all know, and surrounding nations will also know that it covers none but our own seamen: all temptation to violate it will cease. Should a man be touched by foreign hands, he will at once be identified as a son of this country; and I hesitate not to believe, that we will all defend him to the last extremity. For the protection of mere aliens, in the abstract, I protest against wasting the blood and property of my countrymen.

Another powerful reason in favor of such a measure is this: that it is incumbent on us so to define the grounds of contest, and present them in such a view, that we may stand justified in our own eyes, and in the eyes of the world. This is a duty every nation at war owes in justice to its own character, and which we can now discharge in no other way.

But, we are asked this common question by every one who has opposed the bill: Why adopt this measure now? The *time* forms a greater objection with many than the substance of the measure. From this, it has been viewed as a concession to the enemy—a retreat from the bold attitude which our country has assumed. A considerate retrospect of our affairs will prove the present session, of all other times, the most proper for defining by law our grounds of contest on this point.

This is the first session of Congress since our late disputes with England, which has found our principal grounds of difference narrowed down to the single subject of impressment. This has been one among the other very important matters under negotiation for five years past, until all amicable prospects vanished. About the commencement of the last session it was known, as well in England as America, that the spirit of our country was at length roused to a serious height. Then it was that the outrage on the Chesapeake, so long unatoned for, was adjusted. The Orders in Council and the practice of impressment remained, by which our property and our citizens were exposed to unlawful seizure. The former, affecting our interest, had been made the most serious subject of negotiation, for some years before the declaration of war, though the latter was a subject appealing more strongly to our humane interposition. The measures of last session were marked by features which could not be misunderstood by Great Britain, and finally war was declared. Very shortly afterwards, an excuse was mustered up, and the Orders in Council were repealed. Now we have convened, finding for the first time our grounds of the war, as respects the prospective, drawn to a single point, it therefore becomes us as a great and honorable nation to define our claims as regards that point, that we ourselves may understand it clearly; that our enemy may understand it; that the whole world may know, that while we will contend to the last extremity for our own rights, we want no other. This obligation was not so strongly imposed on us at the time of declaring war, as there existed then, exclusive of this, another ample cause of war, clearly defined and universally admitted to be such.

If, then, we are bound to define some claims in regard to impressments, how else can this be done than by a law proposing the terms on which we are willing to meet our enemy in peace? There are but two modes of defining and arranging our connexion with other countries; by treaty, or by municipal laws, regulating the conduct of our own citizens on the subject. As to the former, the door of expectation is shut. Negotiation has been incessantly tried on our part until the declaration of war, which was conclusive evidence that we believed all further essays would have been vain. To have passed a law while the prospect of a treaty was open, would

have been impolitic, as it would expose our hand to our adversary. It, therefore, remains clear, that the only mode now left us of defining the grounds on which we contend, is by an act of the Legislature.

Having, then, in the only way in our power, defined the great question of controversy, I trust that, instead of retreating from the contest, all sides of this House, and all parts of this nation, will unite in defending, with their utmost energies, their undoubted rights.

It is strange that gentlemen should style an act of justice which a nation owes its own character, a concession, a retreat from its imposing attitude. The height of true bravery consists in selecting just and noble objects, and in attaining them at all hazards. On the other side, it may be asked, if justice and consistency with our own principles require the exclusion of alien seamen? Have we not acted unjustly in neglecting to make such exclusion heretofore? A sufficient answer will be found in our repeated essays to adjust this point by treaty. Having ever been ready and willing on our part, it lies not in the mouth of the enemy to complain.

My views as to the purpose and effect of this measure are somewhat different from those of my colleague, (Mr. PEARSON,) who yesterday addressed you. He advocates the bill for the purpose of being used by the Executive as another advance to the British Government, and as it may have the effect of producing at least as good a treaty as that formerly agreed on by Messrs. Monroe and Pinkney with the British Commissioners. Our advances have already gone far enough; a further advance on our part would be worse than vain. Nor do I see how my colleague can reconcile the passage of a law to exclude from our service British seamen, under strict rules and high penalties, while he would accept a treaty, which, if it meant anything on the subject of impressment, sanctioned this right of impressment from our vessels. The treaty alluded to was silent on the subject, yet a note from Lords Auckland and Holland, the British Commissioners, held out as a security from that evil, was merely a promise that caution should be used in exercising the right of impressment on board of our vessels, to make as few mistakes as possible. Now, if this was intended to mean anything, it was, in plain terms, a recognition of their right to seize persons on board of our vessels whom they might believe to be British subjects. If this bill goes into operation, it will answer the alleged purpose of impressment; as, if it excludes British seamen from our ships, it would be absurd to allow of the power of impressing them there; unless, indeed, we are willing to appeal from the judgments of our civil officers charged with this duty, and acting under the highest sanctions, to the caprice of every naval officer that meets our vessels, and who may pass on the character of our crews by inspection.

It is of much importance that, between England and America, this rule should become the invariable law, that the flag should protect the seamen under it; for there can be no other safe criterion by which the persons of the two countries can be identified. As to other nations, they have characteristics of language, of person, and of manners, less liable to mistake. Every argument of reason and humanity protests against leaving the fate of the freeborn sons of the country subject to the will of a British officer, whose mistakes, whether real or pretended, may jeopardize their liberties forever.

All the gentlemen opposed to the bill have treated it rather as if it were a Treaty of Peace than anything else. They charge it as an abandonment of our citizens heretofore impressed, and of other claims yet unsettled. Sir, the bill has nothing more in view than to define prospectively the grounds on which we propose to conduct our maritime intercourse when all causes in dispute shall have been satisfactorily settled. It proposes to sift, in future, foreign chaff from what is purely American. Instead of surrendering any one right, it will the better shield those we are bound to defend. It would form a distinct boundary to our own maritime rights, within which the national energies would forever intrench them from violation. Yes, sir, all within that boundary would be defended, while we had an inch of ground to support us. Purely American rights would be encircled about the American standard, and the national spirit would raise a wall of fire around them.

Mr. MCKIM spoke in favor of striking out the section; when the question was taken and lost without division.

Mr. WRIGHT moved to strike out the eighth section of the bill, and insert in lieu thereof the following:

"*And be it further enacted*, That if, after this act shall go into operation, any native or naturalized citizen of the United States shall be impressed from on board any ship or vessel sailing under the flag of the United States, or belonging to any such ship or vessel, on shore, the President of the United States be and he is hereby authorized and required to cause to be seized any seaman of such nation, from on board any vessel of such nation, or in any port of the United States, and him place on board some one of the armed vessels of the United States, and there keep as a hand, until the American seamen as aforesaid impressed shall be given up."

Mr. WRIGHT supported his proposition at some length, on the ground that if a peace should be the consequence of the passage of the bill, provision ought to be made for the protection of our own seamen, naturalized as well as native.

The proposition was opposed by Messrs. GRUNDY and BACON.

Mr. RIDGELY moved that the Committee of the Whole rise, report progress, and have leave to sit again; which was carried, 55 to 40.

SATURDAY, February 6.

Mr. CHEVES, from the Committee of Ways and Means, presented a bill to remit the claims of the United States to certain goods, wares, and merchandise, captured by private armed vessels;

which was read twice, and committed to a Committee of the Whole on Monday next.

Mr. Bassett, from the Committee on the Naval Establishment, presented a bill supplementary to "An act to increase the Navy of the United States;" which was read twice and committed to a Committee of the Whole on Monday next.

[The bill proposes to authorize the building of six sloops of war, and four others for the Lake service, and to put out of commission, after the completion of these vessels, such of the gunboats as the public service may not require.]

Mr. Boyd, from the select committee appointed on the resolutions of the Legislature of the Illinois Territory, reported a bill to encourage the making of salt at the United States' saline, in the Illinois Territory, by the partial introduction of negroes therein; which was read twice, and committed to a Committee of the Whole on Tuesday next.

The Speaker laid before the House a report of the Commissioners of the Sinkng Fund, of their proceedings subsequent to their report of the 5th of February, 1812; which was referred to the Committee of Ways and Means.

The Speaker also laid before the House a letter from the Secretary of the Treasury, transmitting statements of the annual payments on account of the public debt and of the Revolutionary government, prepared in obedience to a resolution of the 22d ultimo; which were referred to the Committee of Ways and Means.

An engrossed bill for altering the time for holding the District Court for the District of Maine was read the third time, and passed.

PROTECTION TO MANUFACTURES.

Mr. Newton communicated to the House the following letters:

Washington, *February* 6, 1813.

Sir: The object of my petition is to obtain a duty on the importation of all copper which shall have been manufactured into sheets or bolts. It is not with me an object, at present, to have a duty laid on copper wire; but I conceive there is, at least, every reason in favor of a duty on wire, that exists for a duty on sheets or bolts. At the same time that a duty is asked on copper so manufactured, I would suggest the leaving of copper, in a crude state, to be free from duty.

The materials which I have manufactured, have been copper in an unrefined state, which has been imported from the western coast of South America, from Buenos Ayres, from Caraccas, from Mexico, by way of Vera Cruz and Havana, and from the Levant. The quantity to be obtained from these places is ample for every purpose. The mines in this country, so far as they have been explored, have not furnished sufficient assurance that a supply can be obtained from them. But, were the manufacture of copper, from the crude state, more general in practice, the increased facilities would, probably, occasion the known mines to be wrought.

I do not know, with any degree of certainty, what quantity of copper, in all its forms, is consumed in this country; perhaps I am not far from the amount when I say, five hundred tons, annually.

I understand, from Mr. Revere, that he can manufacture, taking the material in a crude state, from one to two hundred tons. I can manufacture, with my works, in their present state, one hundred tons annually; and I can, if I consider the business as affording sufficient encouragement, construct them so as to double that quantity. Mr. Livingston, I suppose, can effect as much as either Mr. Revere or myself.

Considering the progress of these works, and that laying a duty will produce others, probably, I cannot doubt that works in this country will, at no distant period, be constructed to refine and manufacture as much copper as can be consumed in the United States.

With regard to a duty on crude copper, it may be a question whether the object of revenue, or encouragement to the infant manufacture, should preponderate. If, for the sake of revenue, a duty ought to be laid, I would conceive every doubt must be extinguished as to the policy of laying a duty on the material, in a higher state of manufacture. But, considering the uncertainty of an early resource in our own mines, and the assistance which manufactures require, in order to prosper in their first introduction into the country, I trust it will be judged good policy to extend to those now rising the advantage of having the crude material exempt from duty.

When the mines of this country afford an expectation that they will be adequate to our wants, it may then become a question whether the crude copper from Spanish America and the Levant may also be included among articles paying a duty.

I have not here the means of showing, and I cannot state, with absolute assurance of the fact, that a considerable quantity of the copper from South America has been usually manufactured in Great Britain. In former times, the most of that copper went to Cadiz; and, I believe, a considerable portion found its way to England. I have not thought it necessary to inquire particularly into this subject; but I believe from such loose information as I have, that the quantity which has gone usually to England was considerable.

Of late years, considerable quantities have been brought to this country, which, there being but very limited means of working here, have been shipped to Europe and to Canton, and I believe to some other places beyond the Cape of Good Hope.

It may be a question, whether, contemplating a duty, there should be a distinction between brazier's copper and sheathing copper and bolts. Sheathing copper and bolts being used for ship-building, I conceive to stand on the same footing, and I would suppose the same policy which requires a duty on sailcloth, hemp, cordage, and every other imported article necessary in constructing and fitting out a ship, will apply to copper. It need not be feared that this duty will depress, in any degree worthy of consideration, the shipping interest. The tonnage duty, and the duty on the articles mentioned, I consider equally objectionable. And here I would submit to the consideration of the committee, the object of having works which may, by their stock of copper in its various stages, necessarily on hand, together with apparatus and skilful workmen, not less important, afford a supply of this article indispensable in time of war, when we may not have the means of importing it.

The duty on sheathing copper may, in some degree, cause ships to be coppered in England, which, otherwise, would be coppered in this country. But this ob-

jection I set down as of little avail; for, if the copper is to be free of duty, whether in the hold or on the bottom of the vessel, the only advantage from bringing it in the vessel is, that our shipwrights will have the employment of fastening it on the vessel when it may arrive.

With regard to the duty on brazier's copper, it is to be considered that but an inconsiderable portion of brazier's copper is used for any other purpose than that of making stills. The duty on that copper amounts to little else than a tax on distillation.

I say, confidently, that the braziers cannot suffer anything of importance by a duty on brazier's copper,

The duty on brazier's copper will not give British braziers such an advantage as to enable them to compete with our braziers in making stills and other vessels, to be used in this country. The increased freight of hollow ware is greatly against the British brazier. The variety in the capacity, form, and weight of stills, and other vessels used here, would oblige the importers of such wares from England to import a great portion of unsaleable vessels.

The fact is, that, in this country, the stills are generally made in the towns adjacent to the respective distilleries, that the vessels may be adapted to the wants, to the circumstances, and to the caprice of the respective distillers; and if a large quantity of stills of any given form, capacity, or weight, or any assortment that could be preconceived, were imported, a great portion would, in general, be without purchasers. From the knowledge I have already acquired on the subject, I consider a tailor as having as much reason to fear that a duty on cloth will cause ready-made clothes to be imported from England, as that the braziers in this country have anything to fear from this duty.

I have stated that, with my present works, I can manufacture one hundred tons annually. I am not here prepared with testimony of this fact, but I will, if required, produce evidence which shall be satisfactory. The quality I state to be excelled by none.

I have now on hand about one hundred and seventy tons of crude copper. Should importations from England be free in a short space of time, and no duty be laid, an inundation of sheet copper may force me to seek a foreign market instead of having it manufactured, as in that case, I might not choose to contest with the British manufactures, which have been centuries in progressive improvement, and which have attained to such great perfection.

I am, sir, your obedient servant,

LEVI HOLLINGSWORTH.

Hon. THOMAS NEWTON,
Chairman Committee Commerce and Manufactures.

WASHINGTON, *Feb.* 6, 1813.

SIR: The manufactory which I am interested in is capable, on its present establishment, to finish, with one set of workmen, three tons of copper a week, without any extension of works; by employing two sets of workmen, we could nearly double that quantity.

In the year 1800 or 1801, we had a contract with the Navy Department, for a quantity of bolts, sheets, &c., to the best of my recollection about 350,000 lbs., which we delivered in two years, without interfering with our ordinary business. From the best information I have obtained, there was imported, the last year, from England, into the United States, short of five hundred tons of copper; this I consider to be an unusual quantity, as the market had been nearly drained, from the operation of the non-intercourse and non-importation laws, and many persons, who had funds in England, ordered copper to be shipped, who have not heretofore been importers of that article; allowing, then, for argument, for it is impossible to be accurate without recurring to documents, that four hundred tons are wanted annually, Mr. Hollingsworth can manufacture one hundred tons, Mr. Livingston one hundred, and our establishment one hundred and fifty tons. There cannot a doubt exist but each of us could double the quantity, provided the Government should protect us by laying a duty, and, no doubt, other manufactories would be established.

We depend, for the raw material, from abroad, viz: from Smyrna, Sweden, and South America.

Crude copper being an article of export from those places, particularly Smyrna and South America, whenever the merchant can be assured of not sustaining a loss, he makes his remittance in copper, as there being no freight, the copper answering for ballast; therefore, in time of peace, we are sure of a sufficient supply, and should we be engaged in a long war, without doubt some of the mines in our country would be explored.

Notwithstanding the large quantity of copper raised in England, crude copper is always admitted when imported direct from the place of its origin.

When our revenue laws, regulating the duty on copper, were made, copper was not used in this country for building of vessels; in fact, at that time, it was only partially used in Europe. It has since become general, both in Europe and in this country; the law, therefore, could not provide for this article, otherwise it would, without doubt, as almost every article used in building and equipping vessels are subject to duty, say, cordage, duck, sheathing paper, and nails, &c. The law says, "copper in plates, pigs, and bars, free;" but it provides for all copper manufactures paying a duty. Under that section the collectors demanded a duty on bolts and sheathing copper; some importers contended that bolts and sheathing was plates and bars, and, by a decision of the Supreme Court of the United States, established it so. When our works were erected, bolts, particularly, were subject to duty, and the report of the Committee of Commerce and Manufactures, made on our petition, showed that, in the year 1808, that committee was of the same opinion. I have not, in our petition, requested a duty on brazier's copper, from the opposition which our former petition met with from those gentlemen; although I have every reason to believe that they (the braziers) would not be injured by a duty, as brazier's copper has always been at an advanced price of sheathing copper, more than the difference of cost; the importer is the only person who can be affected, and he will only be obliged to resign part of his profits to the Government; and, I have reason to believe, the importers were really the persons that remonstrated to our former petition, although signed by the coppersmiths and braziers. Our wish, therefore, is, to have a duty that will protect our manufactories whenever the intercourse shall be restored between this country and England. For, whenever that event takes place, our manufactories will be destroyed, unless the Government protect them by a duty.

Which is respectfully submitted, &c.

JOSEPH W. REVERE.

Hon. THOMAS NEWTON,
Ch. Com. Commerce and Manufactures.

REGULATION OF SEAMEN.

The House again resolved itself into a Committee of the Whole, on the bill regulating the employment of foreign seamen in the armed vessels and in the merchant service of the United States.

Mr. Ridgely made a speech of some length, explaining his ideas on this subject, and concluded with moving an amendment, the object of which was to provide that no person not a native should be employed in the service of the United States, until the period of probation of five years, required by our laws, should have been completed.

Mr. Bibb having remarked that this amendment only went to explain a provision of the bill not now perhaps sufficiently clear, it was adopted without a division.

Sundry other amendments were proposed by Mr. Ridgely, and agreed to.

Other amendments were proposed to the bill, like that of Mr. Ridgely, not affecting the principle, some of which were agreed to and others rejected, on which a desultory debate took place.

The most important amendment made to the bill, was the agreement of the committee to a motion made by Mr. Robertson to strike out the last clause of the eighth section of the bill, which provides that the bill shall not have effect except as to the seamen of such nation as shall have made reciprocal arrangements as to the seamen of the United States.

About 4 o'clock, the Committee rose and reported the bill; and the House adjourned.

Monday, February 8.

Mr. Bond presented a resolution of the Legislature of the Illinois Territory, respecting preemption rights to lands in said Territory.—Referred to the Committee on the Public Lands.

Mr. Lewis, from the Committee for the District of Columbia, reported a bill regulating the fees of the constables in the county of Alexandria, within the District of Columbia; which was read twice, and committed to a Committee of the Whole on Wednesday next.

Mr. Potter, from the committee appointed on the petition of Daniel Updike, reported a bill authorizing the discharge of Daniel Updike from his imprisonment; which was read twice, and committed to a Committee of the Whole on Thursday next.

The bill authorizing the appointment of additional officers in the respective Territories of the United States, went through a Committee of the Whole, and was ordered to be engrossed for a third reading.

The House resolved itself into a Committee of the Whole on the bill granting additional compensation to the Collector of the port and district of Plymouth, in North Carolina. The Committee rose, and had leave to sit again.

A message from the Senate was announced, of a confidential nature. The House was accordingly cleared of all strangers, and remained in secret session for two or three hours. When the doors were opened, a message from the Senate informed the House that the Senate have passed a bill "for the relief of John Redfield, jr.;" and a bill "to increase the salaries of certain district judges." And that the Senate have also passed a resolution for the appointment of a joint committee to ascertain and report a mode of examining the votes for President and Vice President of the United States, and of notifying the persons elected of their election; in which two last-mentioned bills and resolution they desire the concurrence of this House.

The said resolution was read, and concurred in by the House; and Messrs. Macon, Bassett, and Milnor, were appointed the committee on the part of the House.

Tuesday, February 9.

Mr. Gholson, from the Committee of Claims, presented a bill for the relief of the legal representatives of George Neibinger and others; which was read twice, and committed to a Committee of the Whole on Thursday next.

Mr. Morrow, from the Committee on the Public Lands, reported the bill from the Senate "giving further time for registering claims to lands in the eastern district of the Territory of Orleans, now State of Louisiana," with amendments; which were read, and, with the bill, committed to a Committee of the Whole on Thursday next.

On motion of Mr. Burwell, the committee appointed on the petition of sundry inhabitants of the City of Washington, praying for a charter for a new bank, were discharged from the consideration of the said petition, and the petitioners had leave to withdraw their petition.

Mr. Gold, from the committee appointed on the fifth instant, reported a bill to alter the times of holding the district courts in the respective districts of New York and Virginia, and to authorize the district judges to appoint commissioners to take affidavits and bail, in certain cases; which was read twice, and committed to a Committee of the Whole on Thursday next.

The bill from the Senate "for the relief of John Redfield, junior," was read twice, and committed to the Committee of Claims.

A message from the Senate informed the House that the Senate have agreed to the report of the joint committee appointed to ascertain and report a mode of examining the votes for President and Vice President of the United States, and of notifying the persons elected of their election.

Mr. Macon, from the joint committee appointed yesterday to ascertain and report a mode of examining the votes for President and Vice President, and of notifying the persons elected of their election, made a report, in part; which was read, and concurred in by the House, as follows:

Resolved, That the two Houses shall assemble in the Chamber of the House of Representatives, on Wednesday next, at twelve o'clock: that two persons be appointed tellers, on the part of the House, to make a list of votes as they shall be declared: that the result shall be delivered to the President of the Senate, who shall announce the

state of the vote, and the persons elected to the two Houses assembled as aforesaid, which shall be deemed a declaration of the persons elected President and Vice President; and, together with a list of votes, be entered on the Journals of the two Houses.

Messrs. MACON and TALLMADGE were appointed tellers on the part of this House.

The bill from the Senate, for increasing the salary of the district judges of the Delaware and North Carolina districts having been read, and opposition being made to the bill by Mr. HARPER, the question was stated on the rejection of the bill; which was advocated by Mr. HARPER and others, and opposed by Messrs. BURWELL, BLACKLEDGE, RIDGELY, and others.

The argument for the rejection was, that it would be partial and unjust to raise the salary of one or two officers of the Government without raising all, and that this was not a proper time for increasing the salaries of our officers generally. On the other hand, it was contended that it was no argument against doing justice in one case, that other cases existed requiring relief or remedy.

The question was then taken on the rejection of the bill, and decided in the affirmative. For rejection 51, against it 44.

The bill authorizing the appointment of additional officers in the Territories of the United States, was read a third time.

The House divided on its passage; but a quorum not having voted, a motion was made to lay the bill on the table, and decided in the affirmative.

REGULATION OF SEAMEN.

On motion of Mr. GRUNDY, the House proceeded to the consideration of the report of the Committee of the Whole, on the bill regulating the employment of foreign seamen in the armed vessels and merchant service of the United States.

All the amendments of the Committee were agreed to without objection, with the exception of the decision for striking out the eighth section of the bill, which is in the following words:

"SEC. 8. *And be it further enacted*, That the provisions of this act shall have no effect or operation with respect to the employment as seamen, of the subjects or citizens of any foreign nation, which shall not have prohibited on board her public and private vessels the employment, as seamen or otherwise, of native citizens of the United States; or who shall permit the commanders of her public vessels to impress or take away from on board any vessel, sailing under the flag of the United States, any seaman or any other person, not being a soldier or otherwise in the employment of an enemy of such nation."

A division of the question was required by Mr. GRUNDY on this amendment; and the question was stated on striking out the first member of the above section, ending with the words "United States."

After considerable debate on this proposition, the question on concurring with the committee in striking out the first clause of the eighth section, as above, was decided as follows:

YEAS—John Baker, Abijah Bigelow, Harmanus Bleecker, James Breckenridge, Elijah Brigham, William Butler, Epaphroditus Champion, Langdon Cheves, Martin Chittenden, Thomas B. Cooke, John Davenport, jun., John Dawson, Joseph Desha, Elias Earle, William Ely, James Emott, Asa Fitch, Thos. R. Gold, Charles Goldsborough, Thomas B. Grosvenor, Jacob Hufty, Richard Jackson, jr., Philip B. Key, Abner Lacock, Lyman Law, Joseph Lewis, junior, William Lowndes, Aaron Lyle, Archibald McBryde, Alexander McKim, James Milnor, Samuel L. Mitchill, Jonathan O. Moseley, Thomas Newbold, Stephen Ormsby, Joseph Pearson, Timothy Pitkin, jun., Elisha R. Potter, Josiah Quincy, John Randolph, William Reed, Henry M. Ridgely, Thomas B. Robertson, Thomas Sammons, John Sevier, Samuel Shaw, Richard Stanford, Philip Stuart, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Uri Tracy, Pierre Van Cortlandt, Laban Wheaton, Leonard White, and Thomas Wilson—56.

NAYS—Willis Alston, jr., William Anderson, Stevenson Archer, Daniel Avery, Ezekiel Bacon, David Bard, William Barnett, Burwell Bassett, William W. Bibb, William Blackledge, Adam Boyd, Robert Brown, William A. Burwell, John C. Calhoun, Francis Carr, Matthew Clay, Jas. Cochran, John Clopton, Lewis Condict, Wm. Crawford, Richard Cutts, Roger Davis, Saml. Dinsmoor, William Findley, James Fisk, Meshack Franklin, Thos. Gholson, Peterson Goodwyn, Edwin Gray, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, John A. Harper, Aylett Hawes, John M. Hyneman, Richard M. Johnson, Joseph Kent, William Kennedy, William R. King, Peter Little, Thomas Moore, William McCoy, Samuel McKee, Arunah Metcalf, James Morgan, Jeremiah Morrow, Hugh Nelson, Thomas Newton, Israel Pickens, James Pleasants, jun., John Rhea, John Roane, Jonathan Roberts, Ebenezer Sage, Lemuel Sawyer, Ebenezer Seaver, George Smith, John Smith, William Strong, John Taliaferro, Peleg Tallman, George M. Troup, Charles Turner, jun., Robert Whitehill, David R. Williams, William Widgery, Richard Winn, and Robert Wright.—69.

So it was resolved that this clause or member of the section be not stricken out.

The question was then taken on striking out the remainder of the section, and decided as follows:

YEAS—Willis Alston, junior, William Anderson, Stevenson Archer, Daniel Avery, Ezekiel Bacon, William Barnett, William W. Bibb, Abijah Bigelow, Harmanus Bleecker, Adam Boyd, James Breckenridge, Elijah Brigham, William Butler, John C. Calhoun, Frs. Carr, Epaphroditus Champion, Langdon Cheves, Martin Chittenden, James Cochran, Thomas B. Cooke, Richard Cutts, John Dawson, Joseph Desha, Samuel Dinsmoor, Elias Earle, William Ely, James Emott, Asa Fitch, Thomas Gholson, Thomas R. Gold, Charles Goldsborough, Peterson Goodwyn, Felix Grundy, Jacob Hufty, John M. Hyneman, Richard Jackson, jun., Richard M. Johnson, Jos. Kent, Philip B. Key, Wm. R. King, Abner Lacock, Lyman Law, Joseph Lewis, jr., William Lowndes, Aaron Lyle, Thos. Moore, Archibald McBryde, Samuel McKee, James Milnor, Samuel L. Mitchill, James Morgan, Jeremiah Morrow, Jonathan O. Moseley, Thomas Newbold, Stephen Ormsby, Joseph Pearson, Timothy Pitkin, jun., James Pleasants, jun., Elisha R. Potter, Josiah Quincy, John Randolph, William Reed, Henry M. Ridgely, Thomas B. Robertson, Thomas Sammons, John Sevier, Adam Sey-

bert. Samuel Shaw, George Smith, John Smith, Richard Stanford, Philip Stuart, William Strong, Lewis B. Sturges, Samuel Taggart, John Taliaferro, Benjamin Tallmadge, Uri Tracy, Charles Turner, jr., Pierre Van Cortlandt, Laban Wheaton, Leonard White, David R. Williams, and Thomas Wilson—84.

NAYS—David Bard, Burwell Bassett, Wm. Blackledge, Robert Brown, William A. Burwell, Matthew Clay, John Clopton, Lewis Condict, William Crawford, John Davenport, junior, Roger Davis, William Findley, James Fisk, Meshack Franklin, Edwin Gray, Isaiah L. Green, Thomas P. Grosvenor, Bolling Hall, Obed Hall, John A. Harper, Aylett Hawes, William Kennedy, Peter Little, William McCoy, Alexander McKim, Hugh Nelson, Thomas Newton, Israel Pickens, John Rhea, John Roane, Jonathan Roberts, Ebenezer Sage, Ebenezer Seaver, George M. Troup, Robert Whitehill, Wm. Widgery, and Robt. Wright—37.

So the latter clause of the eighth section was stricken out. Some other verbal amendments having been made,

Mr. PITKIN moved to strike out all the first section of the bill, except the enacting clause, and insert in lieu thereof the following:

"That, from and after the termination of the war in which the United States are now engaged with the united Kingdom of Great Britain and Ireland, (which termination is to be ascertained and taken from the date of a proclamation, to be issued by the President of the United States, declaring the same,) all the officers, and three-fourths, at least, of all the persons who shall be employed as seamen or sailors on board any public ship or vessel of the United States, or any ship or vessel owned by citizens of the United States, shall be natural born citizens of the United States, or citizens thereof at the termination of such war, or servants or citizens of the United States, or persons, who, being resident in the United States, shall, at the time of passing this act, have declared their intention to become citizens of the United States, according to the provisions of an act, passed on the 14th day of April, 1802, entitled 'An act to establish a uniform rule of naturalization, and to repeal the acts heretofore passed on that subject,' and shall have been admitted as such, according to the provisions of said act: *Provided, however*, That, during the continuance of the war now existing between the united Kingdom of Great Britain and Ireland and France, no persons, being natives of either of said countries, shall be employed, as officers, mariners, seamen, or sailors, on board the public ships or vessels of the United States, or the ships or vessels of citizens of the United States, unless such persons shall be citizens of the United States at the termination of the war in which the United States are now engaged as aforesaid, or, being resident in the United States, shall, at the time of passing this act, have declared their intention to become citizens of the United States, and shall have been admitted as such, according to the provisions of the act before mentioned. And none but ships or vessels navigated according to the provisions of this act, and otherwise qualified according to law, and continuing to be wholly owned by citizens of the United States, shall be denominated and deemed ships or vessels of the United States, entitled to the benefits and privileges appertaining to such ships or vessels."

And the House adjourned without deciding the motion.

WEDNESDAY, February 10.

A message was received from the Senate informing the House that, owing to the indisposition of Mr. GAILLARD, the Senate have appointed Mr. FRANKLIN the teller, on their part, at the counting of the votes of the Electors for President and Vice President of the United States.

Mr. GHOLSON, from the Committee of Claims, reported a bill for the relief of Susanna Wiley; which was read twice, and committed to a Committee of the Whole to-morrow.

Mr. GHOLSON, from the same committee, reported the bill from the Senate "for the relief of Lewis Chacherie," without amendment. The bill was then committed to a Committee of the Whole to-morrow.

Mr. CHEVES, from the Committee of Ways and Means, presented a bill making appropriations for the support of Government for the year 1813; which was read twice, and committed to a Committee of the Whole to-morrow.

Mr. MILNOR presented a petition of John Bioren, W. J. Duane, and R. C. Weightman, praying the aid and patronage of Congress in printing a new and complete edition of the laws of the United States; which was referred to a select committee. Messrs. MILNOR, CHEVES, and GOLD, were appointed the committee.

Mr. BASSETT, from the Committee of Revisal and Unfinished Business, reported a bill extending the time for issuing and locating Virginia military land warrants; which was read twice, and ordered to be engrossed, and read the third time to-morrow.

The House resumed the consideration of the bill to regulate the employment of foreign seamen in the service of the United States. But, after some desultory conversation, the hour having approached for counting out the votes for President and Vice President of the United States, the bill was ordered to lie on the table.

COUNTING OF ELECTORAL VOTES.

The hour of 12 having arrived, the Senate entered the Hall of Representatives, preceded by their President, Secretary, Sergeant-at-Arms, and Doorkeeper, and proceeded to seats prepared for them—the members of the House having risen to receive them, and remaining standing until all had entered. The President of the Senate took a seat which had been prepared for him at the Speaker's right hand, and the Secretary of the Senate was placed beside the Clerk of the House. The Tellers—Mr. FRANKLIN of the Senate, and Messrs. MACON and TALLMADGE of the House—were seated at a table in front of the Speaker's chair.

The President of the Senate then proceeded to open and hand to the Tellers the sealed returns from each State, which were severally read aloud by one of the Tellers, and noted down and announced by the Secretaries of each House.

The votes having all been opened and read, the following result was announced from the Chair by the President of the Senate, viz:

STATES.	President.		V. Pres.	
	Jas. Madison.	DeWitt Clinton	Elbridge Gerry.	Jared Ingersoll.
New Hampshire	–	8	1	7
Massachusetts	–	22	2	20
Rhode Island	–	4	–	4
Connecticut	–	9	–	9
Vermont	8	–	8	–
New York	–	29	–	29
New Jersey	–	8	–	8
Pennsylvania	25	–	25	–
Delaware	–	4	–	4
Maryland	6	5	6	5
Virginia	25	–	25	–
North Carolina	15	–	15	–
South Carolina	11	–	11	–
Georgia	8	–	8	–
Kentucky	12	–	12	–
Tennessee	8	–	8	–
Ohio	7	–	7	–
Louisiana	3	–	3	–
Total	128	89	131	86

RECAPITULATION OF ELECTORAL VOTES.

For President of the United States.

JAMES MADISON, of Virginia - - 128
DE WITT CLINTON, of New York - - 89

217

For Vice President of the United States.

ELBRIDGE GERRY, of Massachusetts - - 131
JARED INGERSOLL, of Pennsylvania - - 86

217

The President of the Senate, in pursuance of the joint resolutions of the two Houses, then announced the state of the votes to both Houses of Congress, and declared "That JAMES MADISON, of the State of Virginia, was duly elected President of the United States, for four years, to commence on the fourth day of March next; and that ELBRIDGE GERRY was duly elected Vice President of the United States, for the like term of four years, to commence on the said fourth day of March next."

The two Houses then separated, and the Senate returned to their Chamber.

THURSDAY, February 11.

A message from the Senate informed the House that the Senate have appointed a committee, on their part, to join such committee as this House may appoint on their part to wait upon the President of the United States, and to inform him of his re-election, for four years, to commence on the fourth day of March next.

REGULATION OF SEAMEN.

The House resumed the consideration of the bill excluding foreign seamen from the service of the United States.

Mr. PITKIN'S motion to strike out the first section of the bill, for the purpose of inserting a proposed amendment, being still under consideration, considerable discussion took place on it; but it was eventually withdrawn to give way to the following motion.

Mr. RIDGELY moved to strike out of the first section all the words in brackets, as follows:

SEC. 1. *Be it enacted, &c.*, That from and after the termination, by a treaty of peace, of the war in which the United States are now engaged with Great Britain, it shall not be lawful to employ as seamen, or otherwise, on board of any public vessel of the United States, or of any vessel owned by citizens of the United States, or sailing under their flag, any person or persons, except natural born citizens of the United States, or citizens of the United States at the time of such treaty being made and concluded, [or persons who, being resident within the United States at the time of such treaty, and having previously declared, agreeably to existing laws, their intention to become citizens of the United States, shall be admitted as such within five years thereafter in the manner prescribed by law.]

After some conversation, the motion was negatived by yeas and nays—for it 40, against it 80, as follows:

YEAS—John Baker, Abijah Bigelow, Harmanus Bleecker, Adam Boyd, Elijah Brigham, Epaphroditus Champion, Martin Chittenden, John Davenport, jun., William Ely, James Emott, Asa Fitch, Thomas R. Gold, Charles Goldsborough, Thomas P. Grosvenor, Jacob Hufty, Richard Jackson, junior, Lyman Law, Joseph Lewis, jr., Archibald McBryde, James Milnor, Jonathan O. Moseley, Thomas Newbold, Joseph Pearson, Timothy Pitkin, junior, Elisha R. Potter, Josiah Quincy, John Randolph, William Reed, Henry M. Ridgely, Daniel Sheffey, Richard Stanford, Philip Stuart, Silas Stow, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Pierre Van Cortlandt, Laban Wheaton, Leonard White, and Thomas Wilson.

NAYS—Willis Alston, jr., William Anderson, Stevenson Archer, Daniel Avery, Ezekiel Bacon, William Barnett, David Bard, Burwell Bassett, William W. Bibb, William Blackledge, Robert Brown, William A. Burwell, William Butler, Francis Carr, Langdon Cheves, Matthew Clay, James Cochran, John Clopton, Lewis Condict, William Crawford, Richard Cutts, Roger Davis, John Dawson, Joseph Desha, William Findley, James Fisk, Meshack Franklin, Thos. Gholson, Peterson Goodwyn, Edwin Gray, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, John A. Harper, Aylett Hawes, John M. Hyneman, Joseph Kent, William Kennedy, William R. King, Abner Lacock, Peter Little, Aaron Lyle, Thomas Moore, William McCoy, Samuel McKee, Alexander McKim, Arunah Metcalf, Samuel L. Mitchill, James Morgan, Jeremiah Morrow, Hugh Nelson, Anthony New, Thomas Newton, Stephen Ormsby, Israel Pickens, James Pleasants, jun., William M. Richardson, Samuel Ringgold, Thomas B. Robertson, John Rhea, John Roane, Jonathan Roberts, Ebenezer Sage, Lemuel Sawyer, Ebenezer Seaver, John Sevier, Adam Seybert, Samuel Shaw, George Smith, John Smith, William Strong

John Taliaferro, Peleg Tallman, Uri Tracy, Charles Turner, junior, Robert Whitehill, William Widgery, Richard Winn, and Robert Wright.

Mr. Pitkin then renewed his motion to strike out the first section, for the purpose of inserting his substitute.

Mr. Bacon said: that, anxious as he was to render the provisions of the bill acceptable to gentlemen on all sides of the House, and particularly so to those from whom he had generally differed in political sentiment, he had paid the most respectful attention to every suggestion coming from that quarter which seemed to have a tendency either to improve its details, or to render it as little objectionable in principle as possible. He believed that the particular friends of the bill had acted generally under the same dispositions, and they had accordingly very readily adopted almost every proposition coming from the other side of the House which had as yet been suggested—it was in the same spirit that he had paid the most important attention to the amendment offered by the gentleman from Connecticut, and to the arguments by which he had endeavored to enforce it. Mr. B. confessed that on the first view, the amendment proposed had impressed him rather favorably, and if he had continued to view it in the same light, he would not have hesitated giving it his support. A little reflection had, however, very fully convinced him, that neither as a fundamental regulation of mercantile policy, or as adapted to suit the difficulties at present existing on the subject of our seamen, was it as judicious a system as that which formed the basis of the original bill. Mr. B. would have remarked, that whatever sentiments might heretofore have been entertained by the gentleman, (Mr. Pitkin,) he was happy now to hear him acknowledge, that the Government evinced at this time a disposition, in order to meet the existing difficulties with Great Britain, to go much further in the exclusion of foreign seamen from our service than he (Mr. Pitkin) thought either wise or necessary, and he was glad that an opportunity had arrived by which the majority of the House could evince their sincerity in wishing to do everything in their power to remove every plausible ground of complaint on the subject of harboring or employing British seamen in our public or private vessels; in truth, that we were willing to subject ourselves to greater inconveniences, in order to take away the grounds on which the British claim of impressment rested, than the gentleman himself thought we could justly be required to do. With this remark, Mr. B. said, he would proceed to state the objections which he had to the system which had been proposed by the gentleman in lieu of the one contained in the bill itself.

By the first section of the bill it is proposed, after the termination of the present war, to exclude altogether from our service the seamen of all foreign nations who may make a reciprocal exclusion of our seamen from their service. The effect of such a provision will be, in the first place, to remove all the grounds on which the claim of impressment has heretofore been founded. In the second place, to afford additional safety and encouragement to our own seamen; and though some small inconveniences may at first arise from a scarcity of hands, by throwing the foreign seamen out of our employ, yet the greater demand and higher wages will very soon remedy this deficiency, by drawing a greater number of our own people into the employment, whose services we can at all times command; whatever may be the state of things among the maritime nations of Europe, we shall have a nursery of our seamen always on hand ready for our own use, and which those nations will at no time have a right to claim or withdraw from our service. As the demand for the service will be uniform, steady, and constant, so will be the supply. But, what is the nature of the regulation proposed by the amendment, and what will be its effects? It is proposed by that, to admit into our service during periods of peace in Europe a proportion of foreign seamen to the extent of one-fourth of the whole crew; but it being evident that a regulation to that extent would in no degree remove the grounds on which the British claim to impressment is founded, the gentleman further proposes, that during the existing war between France and Great Britain, all foreign seamen, the subjects of either of those nations, should also be wholly excluded; and a provision of this sort must be equally necessary during all future wars between those nations. Let us now see what must be the inevitable effect of such a policy, as it would affect our own service and seamen. It would be to draw into our service the seamen of those nations, and to find for them wages and employment at a period when they were not wanted at home to man the navies of their own country, and at the same time holding ourselves bound to give them up the first moment that they might be called to enter into the service of their lawful Sovereigns on the breaking out of a European war, and this too at a period when most of all we should need them for our own service; for it was during a state of European war, and while we might be at peace, that the commerce of this country had its greatest expansion and required the greatest number of seamen to carry it on, as it was during periods of European peace that it was the most limited and required the fewest hands in our service. The inevitable effect of a system of this sort must therefore be, to make our own neutral commerce a nursery for the employment of British and French seamen, when their own countries could not afford them employment; to throw our own out of employ at a time when they needed it the most, and to train up a body of skilful mariners to be delivered up to their owners whenever they wanted them the most, and we ourselves could with the least convenience spare them. If either of those nations should be asked to dictate to us that course of policy on that subject, which would be the most promotive of their own views and interests, and at the same time the most prejudicial to our own, it seemed to him that it would be precisely the one which was now recommended to us by the proposition of the gentleman from

Connecticut; though such, undoubtedly, were not the gentleman's views in offering it. Mr. B. said, that if those nations were either of them disposed to permit the reciprocal employment of ours and their seamen at all times, both when they were at war and in peace, there could on our part probably be not so great objections to it, but it surely could not be expected that we would provide for their employment only when they are not wanted at home, and relinquish them whenever they happen to be so wanted. If they would not let us have them when we most needed them, he was for excluding them altogether, or leaving the subject to be provided for by such mutual arrangement as the interest of both parties might call for, and as might be entered into by the executive authorities of each country, as was contemplated by a subsequent section of the present bill.

A further objection to the amendment under consideration was, that on the face of it, it did not hold out equal and impartial terms to all foreign nations; it proposed a distinction in favor of the two great belligerent nations, which it was neither wise nor prudent to make; and though we have at present no difficulties with other nations in relation to the employment of their seamen, still we ought not by partial propositions to excite their jealousy, or attempt particular regulations which the great principles of impartial justice would not justify: no objections of this sort would apply to the bill itself; it proffered a system of regulations which every other nation might have the benefit of if they pleased to reciprocate them, and if they chose not to do it they had no cause of complaint.

It had been objected to the system proposed by the bill, that a total exclusion of all foreign seamen from our service would be found impracticable; at any rate, would be found, if adopted at once, very inconvenient to the mercantile interest of the country, particularly in cases where, from death, desertion, or other casualties, happening in foreign ports, the crews of American vessels might be so reduced as to induce the necessity of employing a portion of foreign seamen to navigate the vessels home.

To this objection, Mr. B. thought it was a sufficient answer to say, that so far as it affected the employment of British or French seamen, the project of the gentleman from Connecticut was equally objectionable, since he also proposed, during the existing war in Europe, totally to exclude the seamen of those nations from our employment. But, as the bill stood, no such difficulty in practice could reasonably be apprehended. In the first place, there was no probability that any other nation, except Great Britain, would feel an interest or a disposition to make reciprocal exclusions; of course, we should still be left at liberty to employ, as heretofore, the seamen of all other nations, whenever we needed them. But even if every foreign nation, including Great Britain, should be disposed to meet us with a general reciprocal exclusion—it would also be for their interest, as well as ours, to provide by mutual arrangement, which the President was authorized to make by a subsequent section of the bill, for the mutual employment of each other's seamen at times, under the particular circumstances which had been alluded to; and the mutual interests and conveniences of the respective parties he thought might be safely relied upon, to produce mutual accommodations on a point of this sort. Upon the whole, Mr. B. said, he saw no insurmountable difficulties which time, experience, and the mutual interests of every nation, who should meet the system proposed by the bill generally, would not induce them to remedy; it cut up by the roots the great ground of collision at present existing between this country and Great Britain, and in it he thought he saw a ground which, if suitably and sincerely improved by the Executive authority of each country, might form the basis of an accommodation not dishonorable or prejudicial to the true interests of either; and in that view, principally, the success of the bill had from the first proposition of it commanded his most anxious wishes. Had the amendment under consideration presented nothing objectionable in itself, or repugnant to the general principle and policy of the bill, he would have cheerfully voted for it, on the ground of mutual accommodation, for which he was disposed, on the present occasion, to go very far in giving up his own particular opinions. He hoped the adoption of the amendment was not necessary to conciliate the mover or his friends generally to vote for the bill. If, however, this final opposition to it was to be expected, if this particular amendment should be rejected, however much he should regret the loss of their votes, he must determine to meet it, and was willing to be tested by the intrinsic merit of the different propositions between which they were left to choose.

When Mr. BACON had concluded, after some further discussion, the question was taken and decided in the negative. For the proposed amendment 33, against it 86, as follows:

YEAS—John Baker, Abijah Bigelow, Harmanus Bleecker, Elijah Brigham, Epaphroditus Champion, Martin Chittenden, John Davenport, junior, William Ely, James Emott, Thomas R. Gold, Charles Goldsborough, Jacob Hufty, Richard Jackson, jun., Lyman Law, Archibald McBryde, James Milnor, Jonathan O. Moseley, T. Pitkin, jun., Elisha R. Potter, Josiah Quincy, William Reed, Henry M. Ridgely, Philip Stuart, Silas Stow, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Peleg Tallman, Pierre Van Cortlandt, Laban Wheaton, Leonard White, Thomas Wilson, and Robert Wright.

NAYS—Willis Alston, jr., William Anderson, Stevenson Archer, Daniel Avery, Ezekiel Bacon, William Barnett, David Bard, Burwell Bassett, William W. Bibb, Wm. Blackledge, Adam Boyd, Robert Brown, William A. Burwell, William Butler, Francis Carr, Langdon Cheves, Matthew Clay, James Cochran, John Clopton, Lewis Condict, William Crawford, Richard Cutts, Roger Davis, John Dawson, Samuel Dinsmoor, William Findley, James Fisk, Asa Fitch, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Edwin Gray, Isaiah L. Green, Felix Grundy, Thomas P. Grosvenor, Bolling Hall, Obed Hall, John

A. Harper, Aylett Hawes, John M. Hyneman, Joseph Kent, William Kennedy, William R. King, Abner Lacock, Joseph Lewis, junior, Peter Little, William Lowndes, Aaron Lyle, Thomas Moore, William McCoy, Samuel McKee, Alexander McKim, Arunah Metcalf, Samuel L. Mitchill, James Morgan, Jeremiah Morrow, Hugh Nelson, Anthony New, Thomas Newbold, Thomas Newton, Stephen Ormsby, Israel Pickens, James Pleasants, junior, William M. Richardson, Samuel Ringgold, Thomas B. Robertson, John Rhea, John Roane, Jonathan Roberts, Ebenezer Sage, Lemuel Sawyer, Ebenezer Seaver, John Sevier, Adam Seybert, Samuel Shaw, Daniel Sheffey, Geo. Smith, John Smith, Richard Stanford, William Strong, John Taliaferro, Uri Tracy, Charles Turner, junior, Robert Whitehill, William Widgery, and Richard Winn.

So the motion was rejected.

Mr. STOW then moved that the further consideration of this bill be indefinitely postponed, assigning, as a reason, the difficulty in which he found himself as to the vote he ought to give on the bill.

Mr. GRUNDY opposed the postponement, alleging that it would be infinitely better for gentlemen to meet the question directly than evade it in the way proposed.

Mr. WRIGHT advocated the indefinite postponement, on the ground of his hostility to the bill, and the time it unnecessarily wasted, which ought to be devoted to the consideration of more essential questions.

Mr. RHEA was opposed to the postponement because he was friendly to the bill.

Mr. LACOCK said he should vote against postponement, although he was opposed to the bill, because it was a respect he owed to his friends, who were in favor of it, to meet the question directly.

The question on indefinite postponement was then taken, and decided in the negative—yeas 20, nays 100, as follows:

YEAS—William Anderson, Abijah Bigelow, William Butler, John Clopton, William Crawford, John Davenport, jun., Joseph Desha, James Fisk, Richard M. Johnson, Lyman Law, William Lowndes, Alexander McKim, Timothy Pitkin, junior, Josiah Quincy, Thomas Sammons, John Sevier, Adam Seybert, Silas Stow, Samuel Taggart, and Robert Wright.

NAYS—Willis Alston, jr., Stevenson Archer, Daniel Avery, Ezekiel Bacon, John Baker, David Bard, William Barnett, Burwell Bassett, Wm. W. Bibb, William Blackledge, Adam Boyd, Robert Brown, William A. Burwell, Francis Carr, Epaphroditus Champion, Martin Chittenden, Langdon Cheves, Matthew Clay, Jas. Cochran, Thomas B. Cooke, Lewis Condict, Richard Cutts, Roger Davis, John Dawson, Samuel Dinsmoor, Elias Earle, William Ely, James Emott, Wm. Findley, Asa Fitch, Meshack Franklin, Thomas Gholson, Thomas R. Gold, Chas. Goldsborough, Peterson Goodwyn, Edwin Gray, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, J. A. Harper, Aylett Hawes, Jacob Hufty, John M. Hyneman, Richard Jackson, jr., Joseph Kent, William Kennedy, Philip B. Key, William R. King, Abner Lacock, Joseph Lewis, junior, Peter Little, Aaron Lyle, Thomas Moore, Archibald McBryde, William McCoy, Samuel McKee, Arunah Metcalf, Samuel L. Mitchill, James Morgan, Jeremiah Morrow, Jonathan O. Moseley, Hugh Nelson, Anthony New, Thomas Newbold, Thomas Newton, Stephen Ormsby, Joseph Pearson, Israel Pickens, James Pleasants, jr., Elisha R. Potter, Henry M. Ridgely, Samuel Ringgold, Thomas B. Robertson, John Rhea, John Roane, Jonathan Roberts, Ebenezer Sage, Lemuel Sawyer, Ebenezer Seaver, Samuel Shaw, Daniel Sheffey, George Smith, John Smith, Richard Stanford, Philip Stuart, William Strong, Lewis B. Sturges, John Taliaferro, Benjamin Tallmadge, Peleg Tallman, Uri Tracy, George M. Troup, Charles Turner, jr., Laban Wheaton, Leonard White, Robert Whitehill, William Widgery, Thomas Wilson, and Richard Winn.

The question having been required on engrossing the bill—

Mr. BASSETT proposed to amend the bill by inserting after the word "treaty," on the execution of which the law is to have effect, the words "which shall secure the United States against the claim of impressment."

Discussion arising on this amendment, and appearing likely to continue—

Mr. GRUNDY avowed his conviction that the House would agree to no further amendment, and that further consideration and discussion would serve no other purpose than to waste the time of the House, required the previous question. This question, which cannot be debated, if carried in the affirmative, precludes debate or amendment. The question was decided in the affirmative—yeas 55, nays 46.

The question was then put in the following form, viz: "Shall the main question be now put?" and decided in the affirmative, without a division.

The main question was then taken on engrossing the bill for a third reading, and decided in the affirmative—yeas 97, nays 25, as follows:

YEAS—Willis Alston, jr., Stevenson Archer, Daniel Avery, Ezekiel Bacon, John Baker, William Barnett, William W. Bibb, Abijah Bigelow, William Blackledge, Adam Boyd, Robert Brown, William A. Burwell, John C. Calhoun, Francis Carr, Epaphroditus Champion, Langdon Cheves, Martin Chittenden, Matthew Clay, James Cochran, Lewis Condict, Richard Cutts, Roger Davis, John Dawson, Samuel Dinsmoor, Elias Earle, William Ely, James Emott, Wm. Findley, Asa Fitch, Meshack Franklin, Thomas R. Gold, Charles Goldsborough, Peterson Goodwyn, Edwin Gray, Felix Grundy, Bolling Hall, Obed Hall, Aylett Hawes, Jacob Hufty, John M. Hyneman, Joseph Kent, William Kennedy, Philip B. Key, William R. King, Lyman Law, Joseph Lewis, jr., Peter Little, Thomas Moore, Archibald McBryde, William McCoy, Samuel McKee, Arunah Metcalf, James Milnor, Samuel L. Mitchill, James Morgan, Jeremiah Morrow, Jonathan O. Moseley, Hugh Nelson, Anthony New, Thomas Newbold, Thomas Newton, Joseph Pearson, Israel Pickens, James Pleasants, jun., Elisha R. Potter, William Reed, William M. Richardson, Henry M. Ridgely, Samuel Ringgold, Thomas B. Robertson, John Rhea, John Roane, Jonathan Roberts, Ebenezer Sage, Lemuel Sawyer, Ebenezer Seaver, Samuel Shaw, Daniel Sheffey, George Smith, John Smith, Richard Stanford, Philip Stuart, William Strong, Lewis B. Sturges, Samuel Taggart, John Taliaferro, Benjamin Tallmadge, Peleg Tallman, Uri Tracy, George M. Troup, Charles Turner, jun., Laban Wheaton, Leonard White, Robert Whitehill, David R. Williams, Thomas Wilson, and Richard Winn.

NAYS—William Anderson, David Bard, Burwell Bassett, Elijah Brigham, William Butler, John Clopton, William Crawford, John Davenport, jun., Joseph Desha, James Fisk, Isaiah L. Green, Thomas P. Grosvenor, Richard Jackson, jr., Richard M. Johnson, Abner Lacock, William Lowndes, Aaron Lyle, Alexander McKim, Stephen Ormsby, Timothy Pitkin, jr., Thos. Sammons, John Sevier, Adam Seybert, Silas Stow, and Robert Wright.

Ordered, That the said bill be read the third time to-morrow.

FRIDAY, February 12.

On motion of Mr. WILLIAMS, the Committee on Military Affairs were discharged from the petition of Dr. Benjamin Waterhouse, and from the letter from John Hills; and the petition and letter were referred to the Secretary of War.

Mr. WILLIAMS, from the Committee on Military Affairs, reported, in part, a bill to establish an elementary exercise for the infantry of the Militia and Army of the United States; which was read twice, and committed to a Committee of the Whole to-morrow.

On motion of Mr. HEMPSTEAD,

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of granting to each person who shall perform actual service in the militia for the space of —— months, in the Territory of Missouri, under the orders of the Executive of said Territory, —— acres of land in the said Territory, which shall be in full for the services of such militia for the time aforesaid; and that said committee have leave to report by bill, or otherwise.

REGULATION OF SEAMEN.

The bill for excluding foreign seamen from the public vessels and merchant service of the United States, was read a third time, and the question was stated, "Shall the bill pass?

Mr. CLOPTON.—Mr. Speaker, before this question is taken, I beg leave to submit a few observations. It was not my wish to trouble the House with any at all upon this subject; but finding myself to stand in a peculiar situation in voting differently from a very large proportion of those gentlemen, with whom I have generally acted, particularly on important subjects, I feel it to be a sort of duty, which I owe to myself, to state some of the reasons at least which influence me in the vote which I have already given and am about to give on the bill before you. It is not my intention, sir, to enter into a discussion of the merits or policy of the bill taken in the abstract; but merely to declare some of the objections which I have to the bill, in reference to the existing crisis and circumstances of this country, and which to my mind are insurmountable.

This bill, it seems, Mr. Speaker, is to take effect on a future contingency, if it shall ever take effect at all. It looks forward to a state of peace. How, sir, is this state of peace to be brought about? It must, if ever, be brought about through the means of negotiation, commencing either with the enemy or with our own Government. Is it contemplated by this bill that the Executive of this country is to make further overtures for peace?—that the Government of this much injured, long insulted nation, after having been driven by so unparalleled a series of injuries and insults to vindicate its rights by a solemn appeal to arms—is it contemplated by this bill that, after the sneering, contemptuous, insulting, rejection of the proposition lately made by the Executive branch of this Government, this very Executive is to send out further propositions to that same sneering, insulting Minister, inviting him to condescend to enter into a negotiation upon the subject of peace, or upon any other subject? I trust it is not so contemplated. I say, sir, I *trust* it is not so contemplated. This I do merely from my own ideas of the evident vast impropriety of such a course—not from anything I discover in the bill itself. I do most sincerely hope, sir, that neither the present Executive nor any future Executive of this country will ever be so unmindful of the dignity of this nation—so unmindful of his own duty—will ever so far humiliate himself or his country as to be the first to make further propositions to the enemy for negotiating a settlement of the existing differences. No, sir, let the war continue—let it rage to the end of time, rather than let any more propositions for that purpose originate with this Government.

Is it contemplated that peace will be brought about in consequence of overtures from the enemy? And is it intended that peace shall be accepted without any arrangement providing against impressment of American seamen? Is it possible that it can be in the contemplation of this bill that such a sort of peace shall be made? Here again I trust so great a disgrace to this country cannot be contemplated. I trust that so signal a disgrace will never be brought upon this country. It is presumable, however, that some object in reference to the enemy must be sought for in the adoption of the regulations (as they are called) of this bill. If so, I conceive of none which can be rationally thought so likely to be aimed at by this bill, as that of inducing the enemy to enter into some arrangements with this Government on the subject of impressments. I apprehend, therefore, I may consider this bill as a lure held out to him for that purpose. As such I cannot but consider it. But, sir, can it be seriously believed that the provisions of this bill will induce that haughty tyrant and despoiler of our seamen's rights to come out with a distinct proposition for arranging this subject as we contend for it, and put a stop to the abominable practice? No, sir; such an event may be as vainly sought for after this bill shall have been passed, as it has been sought for heretofore. This bill will be treated with as much contempt, as much scorn and insult, as the proposition made by the Executive through Mr. Russell was treated with; and the British Ministry will think too that they may indeed pour contempt upon it with a better grace; for the very reason that the proposition so offered had been treated in such a manner by them. They will view this bill as a pro-

position legislatively offered and aiming at the same object as that made by the Executive aimed at—and they will be as little disposed to accede to this as they were to accede to that. I confess for one, sir, that I am altogether unwilling to put it in their power to gratify themselves again in this way. Never should they, with my consent, humble, obscure or unimportant as I may be—never should they, with my consent, have another opportunity of indulging their contemptuous sentiments upon any act of this Government done in relation to them—never should they have another opportunity of treating with scorn and contumely any overture or proposition of this Government made to them either directly or indirectly, legislatively or executively; because none such ever should be made to them; although I freely acknowledge it would be proper enough for this Government to receive propositions from them and to treat such propositions according to their merits.

Under all the existing circumstances, Mr. Speaker, I cannot look upon this bill as being any way consistent with what truly belongs to the dignity of this nation. Pass this bill, and I fear you will lower, greatly lower the dignity of this nation. You will sink it in the estimation of the world; and, what is worse, you will sink it in its own estimation. What, sir! shall the injured party—a party deeply and vitally injured by innumerable violations of some of its most important rights, and forced to the last solemn, awful resort for redress—shall this very party, thus deeply and vitally injured, come forward with a formal act of legislation to soothe the aggressor, and by this means endeavor to entice him to a negotiation? As one individual of this body I freely declare, sir, that I cannot—I will not consent to such a measure. The wrongs accumulated upon this country from time to time, until they had risen to mountain height, compelled us to draw the sword; and let it be forever drawn rather than endeavor to have it sheathed by this means—even if there were a prospect of its being attended with some degree of success, so as to induce the enemy to listen to the voice of reason and justice—much less when the measure promises no sort of chance for effecting any desirable object, but can only afford scope and opportunity for fresh insult and contempt from the enemy. No, sir; let us march on directly forward in prosecution of this contest, and let it be pursued with all possible vigor and energy until the enemy, convinced of his error or tired of persisting in his unrighteous course, shall come forward himself with propositions for opening negotiation upon such ground as may lead to peace, upon terms just and honorable to this nation. Let this be done, and let arrangements in consequence of it be made between the two nations upon the subject of seamen; when this shall have been done, then will it be time enough to pass such a bill as this, if it shall ever be expedient to do so. I do not mean now to express an opinion as to the expediency of such a measure at any time. My present impressions, however, are, that it is extremely doubtful whether it will ever be expedient to adopt the regulations proposed by this bill. At any rate, until some such arrangements shall be made by treaty, I cannot consent to vote for such a bill as this.

As to the ideas, which seem to have been entertained by some gentlemen, that this bill may have a beneficial tendency in respect to those opposed to the war—that it may propitiate and reconcile many to the measure who are not now willing to support the war, I consider such ideas as altogether chimerical and illusory. They will not, in my opinion, be realized by this bill. Therefore, I entertain no sort of expectation of any benefit to be derived from the bill in this respect. Indeed, sir, in no respect whatever do I calculate on any beneficial result from it; but, on the contrary, I fear it may be of injurious tendency.

Do gentlemen expect that the extreme solicitude and anxiety for peace which this bill indicates, will accelerate the return of it? If such be their expectation I am firmly persuaded, sir, that they will find themselves sadly disappointed. It is a wily, insidious foe that we have to contend with—a foe that watches all the movements of this Government and will take his measures accordingly. If you show a disposition to relax on any point, and by so relaxing to tender to him a ground of conciliation, he will for that reason be the more disposed to hold off and refuse to meet you on that ground. It is, therefore, to my mind another very strong objection to this bill that it manifests too much anxiety for peace. It is better, sir, that your proceedings indicate indifference towards this object than that they indicate much anxiety for it. You will obtain it sooner, and obtain it honorably, by giving the former complexion to your proceedings, than by giving to them the latter complexion.

There is another point of view in which this subject ought to be considered. As the regulations in regard to the employment of seamen, as proposed by this bill, were not adopted previous to the declaration of war, will not the adoption of them at this time be considered as a tacit acknowledgment that we had not done as much as we ought to have done before that step was taken?

After this bill shall have been passed I think, sir, it will be difficult to screen it from this imputation. If this imputation fastens itself to the bill, how shall we stand then? Surely, sir, our ground will be changed very much for the worse. It will then be said, why was not this step taken before war was resorted to? Were I to vote for this bill I confess that I should be much puzzled, much staggered to answer this question in a manner satisfactory to my country or to myself. But I say, sir, and I say it confidently, that not only enough, not only as much as ought to have been done on the part of this Government, but abundantly more than could be reasonably required of it, was done by it to preserve peace and avoid war, before war was resorted to—before it was declared. Hence I am very averse to

an act which may be construed into anything like evidence of a contrary conviction; and more especially too when such act promises no manner of benefit whatever, but may, I fear, be productive of injurious consequences.

Mr. WRIGHT followed, at considerable length, in opposition to the bill.

Mr. LITTLE.—Mr. Speaker, I rise, indeed, with diffidence, to address the House upon the novel and important bill now under consideration; sensible how difficult it is to rivet the attention of its members, more especially by one whose powers are so feeble as mine are. It is no pleasant task to address empty seats, or groupes of gentlemen, inattentive listeners, surrounding the fires, whose minds are long since made up, and whom nothing that I can say will influence to change their opinions. I am urged, notwithstanding, from a strong sense of duty, which I owe to that portion of my fellow-citizens whom I have the honor in part to represent, to trespass upon your patience a few minutes, while I assign the reasons which dictate the vote I shall give on this question. My colleagues on both sides of the House have entered the lists of debate, and we presume measurably speak the sentiments of their constituents. As I differ in opinion on this subject with my immediate colleague, who usually sits on my left, (Mr. MCKIM,) I shall now proceed to notice the objections urged by him to the passage of the bill on your table. He said, "he believed, if you adopt this measure, you will not have seamen sufficient to man our vessels." If, indeed, this were true, I myself should pause ere it should have my vote. This objection, if well founded, would most probably produce a negative of this House to the passage of the bill. It is easy, sir, to make a declaration. In our zeal of advocating or opposing a measure, we find no difficulty in persuading ourselves, at least, to its adoption or rejection. We but too frequently deceive ourselves. What are the facts from which we are to draw this conclusion? None have been given by my honorable colleague. In his honest zeal—I hope he will pardon me—he must have deceived himself. Permit me to call your attention to a document spread upon your table, which I believe is in the possession of every gentleman on this floor, that will afford us a light from which information may be derived touching this point, and which may direct our judgments. It is a report of the Secretary of State, dated the 6th of January last, in obedience to a resolution of the Senate of the 30th of December preceding. I will not trouble the House by reading it in detail. It contains a statement of the number of persons born in foreign countries, who have been legally naturalized in the United States, and registered annually as American seamen. From the year 1796 to 1812, inclusive, the aggregate number only amounts to 1,530—a period of seventeen years. Thrice that number of American citizens, within the same period of time, have lost their lives in the service of Great Britain, into which they were forced, and retained contrary to their will or wishes, fighting her iniquitous battles.

I beg leave to call your attention to another authentic document connected with this subject. It is the report of the Secretary of State, in compliance with a resolution of this House, at the last session of Congress, which I then had the honor to submit, stating the actual number of American seamen forcibly detained in the British service, and who had made application for their release. This list amounted to upwards of 6,000. This number has been attempted to have been shown as greatly exaggerated by a gentleman from New York, (Mr. EMOTT,) on a former day. Sir, I believe it falls far short of the actual number, even at this time, forcibly held in the service of our enemy, inhumanly compelled to raise their hands against the lives of their kindred, and the liberties of their country. I do not make this assertion upon light grounds. I personally know four native Americans whose names are not on that list; and, when we consider the difficulty with which an American can reach his country's ear with his complaints, as will be seen by the communication of the President, made to Congress on the 22d of January last, transmitting copies of correspondence between John Mitchell, agent for American prisoners of war at Halifax, and the British Admiral commanding at that station, to which I refer the House; also a copy of a letter from Commodore Rodgers to the Secretary of the Navy, which letter I will read:

"U. S. FRIGATE PRESIDENT,
"*Boston, January* 13, 1814.

"SIR: Herewith you will receive the muster books of His Britannic Majesty's vessels Moselle and Sappho, found on board the British packet Swallow.

"As the British have always denied that they detained on board their ships of war American citizens, knowing them to be such, I send you the enclosed, as a public document of their own, to show how illy such an assertion accords with their practice. It will appear by these two muster books, that, so late as August last, about an eighth of the Moselle and Sappho's crews were Americans; consequently, if there is only a quarter part of that proportion on board their other vessels, they have an infinitely greater number of Americans in their service than any American has yet had an idea of.

"Any further comment of mine on this subject I consider unnecessary, as the enclosed documents speak but too plainly for themselves. I have the honor to be, &c.

"JOHN RODGERS."

From these two circumstances, I think I may with truth say, that there cannot be less than from 15,000 to 20,000 American seamen in the British service—more than twice as many as are now employed in the sea service of the United States, both public and private. The facility given to naturalization—as has been said by some is given, and in seventeen years to receive but 1,530—will allow but few, very few, indeed, of foreigners in our service. The bill does not contemplate giving up those who are naturalized. The few British subjects now in our employ, (if any such there really are,) will not of itself induce England to a peace, thereby obliging herself to give up one-eighth of her present naval force. It is not to be

expected until she shall seriously feel the effects of the war.

At the last session of Congress, a resolution was offered by a gentleman from Pennsylvania (Mr. Milnor) on this subject. It became my lot to be a member of the committee to whom it was submitted for consideration. An honorable gentleman from Massachusetts (Mr. Reed) was of the number whose opinions and information have been frequently quoted in this House as orthodox in mercantile affairs, for which I confess I have a high respect. He said, if you exclude from our sea service foreign seamen, you will have natives in abundance to navigate our vessels; for, said he, adopt this principle, and you will secure them from impressment, which will render a security that will influence many who are now deterred from risking their freedom in traversing the ocean for subsistence. I was strongly impressed with the force of his remarks, but I could not bring my mind to bear at that time; nor can I at this, nor will, I trust, at any future, to make a distinction between my fellow-citizens, recognised as such by our Constitution and laws.

This hypothesis, if it be true, so far as is conformable to the provisions of this bill, connected with the exchange of seamen, cannot otherwise than increase their number to double what it now is—an influx more than sufficient for all our commercial pursuits, and to man our Navy, and (if it can be adduced as an argument) will lessen seamen's wages—a circumstance frequently complained of by our most wealthy merchants. I have always thought the hardy tar earned his wages, while enriching his employers.

The second objection urged by my immediate colleague is drawn from the conclusion of his first, to wit:—"That privateering has been discouraged for want of seamen at this time."

I will not pretend to say that this is not partially true; that it is to any extent which, in itself, can operate against the war on our side, I am too much of a sceptic to believe. Had my friend permitted his fertile imagination to have sought out the prominent cause, he would have told you the double duties and the heavy expenses incurred with their prizes going through the formal condemnation of courts of law, with the manner of their disposal under the direction of courts, leave so small a profit as will not justify the risk of life or loss of property in this hazardous system of warfare.

To these circumstances must we attribute the want of enterprise. Render privateering profitable by your statutes; let Government encourage them by suitable bounties—I do not mean such as you give to your soldiers on land, who get paid whether they fight or not, whether successful in battle or unsuccessful—but when seamen are thus employed, let them have what they do conquer, who, from the nature of their engagements, get no reward other than that which chance may afford them an opportunity to acquire by their valor and intrepidity, which is nearly swallowed by your statutes. Remove this evil, and you will not want seamen to man your privateers, nor capitalists of enterprise to fit them out. From this cause alone have some of our private armed vessels been dismantled or their characters changed. I might say more on this subject, but it would not be strictly adhering to the question before the House.

Again, says my immediate colleague—"The principle contained in the bill has been offered twenty years ago;" and emphatically asks, "is there no end to insult? for it has been rejected."

He must allude to the propositions made to the Court of London, through Mr. Russell, on the subject of impressment, and those of his predecessors, who, from time to time, represented the United States of America in that country.

If I am right in my conjectures, which I cannot doubt, I have not heard any objections made to that proposition, either as to the manner of its being made, or the principle contained in it, by him, or any other gentleman on this side of the House. Does that proposition, let me ask my honorable colleague, or any other gentleman who has opposed this bill, contain that which goes to relinquish a single right of America, or impair our interest? We would have been told so if it did. No, sir, it gives up no right; it impairs no interest. Whence, then, the insult offered? If the nation would have been satisfied with the cessation of hostilities, and a treaty of peace, bottomed on those principles, I would again ask my friend, and the honorable members of this House, would they not have been acceptable to all? No doubt of it. Whence, then, the insult? I will not dwell upon this part of his remarks, but hasten to his last ground of objection, on which he stands singly prominent. I do not recollect of its having been urged by any other gentleman.

"If this bill passes," said he, "it will have a pernicious effect on those who support the war. It will paralyze your loans, and every other measure which has been adopted in its support."

Thus, by one fell swoop, has my colleague not only paralyzed, but attempted to cut up by the roots the bill in its infant state. It has, however, fortunately withstood the shock, and, as it increases in age, so does it acquire strength.

This was but an assertion—it will paralyze the war—and unsupported by any argument. Not a solitary reason has been assigned upon which this declaration is grounded. In answer thereto, I might satisfy myself by simply denying that it is calculated to produce any such effect.

This bill, instead of the fatal events predicted by my immediate colleague, must produce one of two effects: either union at home and vigorous prosecution of the war, or peace. Are not they desirable? I do not anticipate the latter to flow from it at this day. No, sir, a Government so forgetful of the rights of others, and possessing the almost entire command of the seas and oceans of the world, I cannot flatter myself will admit a principle of perfect reciprocity in a commercial point of view with any nation, much less this, which has always been considered by her as a rival in commerce. It is by the former, that is, a vigorous prosecution of the war, alone, that I

can anticipate acquiring an honorable, and I fondly hope, a lasting peace for my injured and hitherto much insulted country. From this, my conscientious view of the bill, in relation to the declaration of my honorable colleague, as paralyzing the war, I cannot be considered as adding a pang to the poignant feelings and lacerated honor of my native land. Sir, I am wedded to its soil for life; its natural productions are inviting. I will never prevail on myself to leave them for that of any other; its Government maintaining to all its citizens rational liberty. To be compelled to change its form for that of the corrupt and towering monarchies of the ancient world, to me, would be death. Yes, sir, a combination of love, honor, and gratitude, binds every American heart to be faithful to its interests, and hold inviolate its sacred Constitution; and I humbly trust, that so long as it shall please Him who gave me being, to permit reason to direct my mind, I shall not, by any act of mine, infringe either. I repeat, I will not paralyze the war; I will not succumb to the enemy. This bill will operate reciprocally if it becomes a law. We retain from foreign nations the use of our seamen, and they retain from us their seamen. This agreement will be much in our favor if it ever shall be acceded to.

Where, let me ask you, Mr. Speaker, is the honest American, then, who feels indignant at the violation of honor; who feels for the injuries heaped upon his country? All such must take their stands, fight, and conquer. Thus far have I gone; I go no further. This will, I think, be their language, and he who will not hold it, illy indeed deserves the name of an American.

My honorable colleague (Mr. WRIGHT) has opposed this bill in all its stages with his usual zeal and eloquence. His philanthropy has carried him so far, if I understood him, as to fight the cause of the oppressed of the whole world. To prevent them from enjoying all the privileges of native born citizens, would in fact be a violation of their rights after they had come into this country. Thus far, with him, I would afford them protection under our forms of law. Their personal liberty should not be invaded; and, when naturalized, they ought to participate in directing the affairs of this nation so long as they remained with us.

Beyond our territorial limits I am not willing to extend my obligation to follow those to whom, as yet, I am not united as fellow-citizens. For protection against the Government of the country which gave them birth, or any other, I perhaps would not be justifiable in hazarding my own peace, much less that of my country, were I to attempt it at this or any future day.

We owe much to ourselves. It is a maxim inculcated to us in early life—protect yourself, and your own household. So in public; the safety and tranquillity of the State should be the chief care of every one in authority. This being the Government of the people, it equally becomes their duty to avoid everything they can consistent with honor and justice which could impair either in the most remote degree.

Mr. Speaker, compacts are seldom entered into on any other principle than reciprocal benefits. Our naturalization system and regulations should be bottomed on the same principle, both in relation to the Government as well as the people, in their individual character. It is a fact, which will not be denied, that many foreigners come to this country, remain sufficiently long among us to avail themselves of the rights of citizenship, and then depart to the land of their nativity, sit down in business as the interest of trade directs; they are either, as conscience dictates, American citizens or not. Among those, to use the words of an Irish gentleman of my acquaintance, there are Englishmen, Scotchmen, and some Irishmen, who sit themselves down in business under the protection of either England or America, giving them a manifest advantage over the citizen, who is a merchant in this country. They ought not to be considered as Americans if they take up their residence in foreign countries, or act this double character.

You cannot put off from you a native born citizen, it is said; nor can you, says the gentleman from Pennsylvania, (Mr. LACOCK,) prohibit a citizen expatriating himself. I feel no mind to enter into a train of reasoning upon these topics. If they be true, they appear to me to be irreconcileable. The Government shall afford protection to one of its citizens, who has renounced to it all fealty and allegiance, and solemnly promise it to another. Sir, a man cannot serve two masters; he must hate the one and love the other. He that will come, let him come; and he that will go, let him go. This is in part my political catechism.

We have, Mr. Speaker, the right to legislate upon this subject whenever the interest of the nation may require it, and that right can only be exercised by Congress to render it obligatory—see the Constitution. The question is, is it politic to legislate at this time upon this subject?

It has been repeatedly said, that Washington, Adams, Jefferson, and the present Chief Magistrate, all have made similar propositions to those contained in this bill to the British Government, of which alone we have to complain for exercising the right, or rather practising upon our citizens that diabolical system of impressment.

It is said by a large portion of this House, that peace would be restored if a system like this were adopted; the Executive of the United States was insincere in his propositions; that we were waging a destructive and unnecessary war; that protecting foreigners in our sea-service was the only pretext, and so soon as you exclude them from the service, peace will be restored and impressments cease forever; under these circumstances they could not support a war. Manifest a disposition, say they, to the adoption of a system which will exclude from our sea-service this description of people, and we will maintain the essential rights of America, the persons of citizens shall be held sacred. To acquire, sir, and

test the sincerity and truth of these remarks, I am willing to legislate upon the subject at this time.

The bill, if ever it goes into operation, as has been repeatedly said, will be reciprocally so. It does not withhold its protection from native or naturalized citizens, nor those who have, under the existing laws of the United States, intimated their intention of becoming citizens; the faith of our laws and the honor of the nation are preserved: none can complain. Union at home, and a vigorous prosecution of the war, are my motives, having given my vote in favor of the war, and all the measures hitherto adopted in its support. If gentlemen will have this as a peace measure, I can, with equal justice to myself and to those whom I have the honor in part to represent, declare what will in part go to restore peace, should that prove the immediate result. But, sir, however desirable that object is to us all, this bill will not, I fear, effect it so suddenly. I support it as one of the strongest war measures submitted to the consideration of this House, upon which ground it shall have my cordial vote—I mean *union at home, and a vigorous prosecution of the war*, as the only and best peace measure.

Mr. QUINCY said that he should submit a very few remarks in illustration of the grounds of his vote—that it was his original intention not to have made any, and he should not have deviated from that purpose were it not that the charge of inconsistency had been carefully and repeatedly insinuated as lying against those on his side of the House who should vote in opposition to the proposed bill. It had been said that this was our policy, that it was what we had recommended, that we were pledged to support the bill, that it was what we had previously stated as the cause of national duty on this subject. He said he was induced to rise on another account. He was about to differ in vote, from very many, perhaps from a majority, of those with whom it was his happiness on other occasions to coincide. He thought, therefore, he owed it in some degree to himself to show that the grounds of his vote were neither light nor trivial; that they were such as he was both willing to explain and able to defend.

Mr. Q. said that the provisions contained in the bill, so far from constituting a project which those on his side of the House had ever advocated, and on that account were pledged, under the terrors of a charge of inconsistency to support; that it was a project which no man on any side of any House—which no man in this nation had ever advocated, nor even conceived as a serious scheme of practical policy until it burst upon the astonished vision from the gentleman of Tennessee, (Mr. GRUNDY.) For his own part, he had never heard it, until that day, he would not say, even proposed as a serious purpose, but not even suggested as one of the dreams of the imagination.

Mr. Q. said that he had heard of the wisdom of giving preferences to native over foreign seamen; that he had heard of excluding British seamen; that he had heard of virtually excluding foreign seamen in general from our service by certain gradual and temperate regulations which should give the merchant an opportunity to supply the deficiency such exclusion would produce by an increased stock of native seamen, which such encouragement would create. Of all this he had heard. For the wisdom of such a system of regulations, he and his friends had contended; but never did he hear of such a proposition as that contained in this bill. Never had he heard of the total and absolute exclusion of the seamen of all foreign nations at a blow; never that such exclusion was to be proffered by way of temptation to the caprice or the interest of other Governments, and to take place or not, according to the cool calculations they might make at their leisure concerning their policy or interest; never that the number of American citizens employed abroad was so great, and their absence so injurious to us, that it was the part of national policy to bribe foreign nations to drive them back again to the American shores, by proffering to every foreign Government, in case they would do it, to reciprocate the same favor towards such foreign Governments by driving their subjects out of our employ. Such are the provisions of this bill. In their nature they are novel, unanticipated, and never imagined. Whatever may be their merit or demerit, there is not a man in this nation who is not free to accept, or free to reject them. No man can be pledged to support a system which he had never advocated, never contemplated, nor, as a practical measure, ever conceived. Thus much, Mr. Q. said, he thought it necessary to say with respect to the charge of inconsistency which had been insinuated against those who might oppose this bill on his side of the House.

Mr. Q. said that it was very likely that in a general argument having relation to a modification of the employment of seamen, with reference to the particular state of things existing between us and Great Britain, or having in view a gradual reduction of the number of foreign seamen in our service by establishing certain wise preferences in favor of native seamen, that some general expression may have been used which might give a color to the opinion that an ultimate exclusion of foreigners from our employment was contemplated. I doubt, said he, if this is the case. But, certainly, it was never proposed or conceived that this should be done by an instantaneous regulation, on a ground of reciprocating with foreign nations the driving away their citizens on condition of their driving away ours. Whatever argument on this subject has ever been urged by myself, or by any of those gentlemen with whom I have the happiness to be associated in political opinion, has always had in view one or other of two objects, and were regulated by one or other of two principles. The extreme importance to Great Britain of her seamen, and the great temptation which the comparatively great rate of wages in this country, aided by the similarity of our habits and charac-

ter, held out to her seamen, seemed to constitute a state of things out of which resulted an obligation upon the United States to limit the injury thus incidentally done to her by some regulation, either directly excluding her subjects, or, at least, diminishing the temptation which the condition of things in this country offered to the cupidity of her seamen. Thus, doing her less injury, she would have less reason to complain, and less justification for a resort to the exercise of her claim of impressment. This, it was contended, would be a precursor of relief from that suffering. At least, that it was our duty to make a trial of this policy previous to a war on that account. Such was the principle and policy of the gentlemen on his side of the House, in this aspect of the question. There was another principle of policy which this embarrassment of our relations with Great Britain suggested. The thoughts of reflecting men were drawn to consider the basis on which the interests of navigation rested, and it began to be seen, and was contended that, by a gradual and systematic exclusion of foreign seamen, the condition of our maritime affairs would be improved by a service exclusively, or in a great measure, composed of native citizens. Beyond the limitation resulting from these two principles, and having relation to these two objects, no proposition was ever seriously suggested. It never was heard nor thought that the United States were losers by the employment of foreign seamen. It was never heard that we could be gainers by a system of reciprocal provisions, which, adopted on some sudden suggestion, should force home the few native citizens of ours which were in the employ of foreign nations, and force away the multitudes of foreign subjects, which were confessedly and notoriously in our employ.

There is a something, said Mr. Q., singularly strange and mysterious in the manner in which this bill is made to pass through this House. Never did any bill meet with so many countercurrents and repugnant eddies in its course; yet, it holds its way notwithstanding, and seems to be facilitated rather than obstructed by circumstances apparently so inauspicious. On the other side of the House, it is advocated as a measure of permanent policy; on this side, as a temporary expedient. There, it is carefully and systematically denied to have any pacific intention; here, it is as carefully and systematically inculcated as a measure of a certain pacific result. At one moment it is asserted to be an independent regulation, yielding nothing to Great Britain; at the next, it is said to be proffering her so much that if she fail to accept the proposition all hearts and hands must without fail unite in the war. By this sort of vacillating, accommodating argument, every species of political party seems to be fascinated, and made to concur in the immediate object. We for peace; they for war. We pulling one way; they another. We looking North; they South. We East; they West. All give the machine the same direction. By the exertions of all, the passage of the bill is facilitated.

Considering the character of the political fathers of this bill, and their known interests and connexions, its principle is not less suspicious than its parliamentary course is mysterious. During the whole extent of their political lives, the friends of this proposition, for a total exclusion of foreign seamen, have maintained the right and the interest of the United States to employ them in the fullest and most unlimited extent. And now, in a breath, at a thought, without any previous warning, they turn round and propose to exclude them altogether. Can any man have faith in the sincerity of those who advocate so extravagant a proposition, in face of all their previous theories and professions? Can any man, who knows the nature of this country and the composition of its population, believe in its practicability? Sir, what are the people of the United States in respect to their composite character? Are they a simple homogeneous race of men? Did we all spring out of mushroom soil? Does each of us carry about him the marks of the grit and clay of his mother earth? Sir, the fact is altogether the reverse. The column of our American State is neither composed of flint nor of granite, but rather of a sort of pudding-stone; of a casual collection of distinct individuals, aggregated together, with no selection in the particulars, and little strength in the cement. In a nation thus constituted, it is now seriously proposed, as it is pretended, to turn all foreigners from its sea service, and to form, by a sort of parliamentary magic, in a moment, a new marine of pure and exclusive native citizens. Let who will believe in this project, I do not. Considering the quarter from which it comes, I believe as little in its sincerity as I do in its practicability.

Sir, if I wished to press far into the discussion of this bill, which I do not, I would ask, what has become of that great doctrine of the right of expatriation, so obtrusively and clamorously maintained, from the first establishment of our national Government down to the present day, by the patrons and authors of this bill, their friends and supporters? Are all those choice topics of declamation to be abandoned? Are they forgotten by gentlemen on the other side of the House? If they are, will they be forgotten by this people? This bill proceeds upon the principle, that the right of expatriation does not exist in the subjects of foreign Governments. For, if it does exist, then such foreign Government has no right to reclaim them, and we have no right to drive them home. The bill abjures this right of expatriation; and, in doing this, cuts up by the roots not only the claim of the individuals whom it contemplates to force back to the service of their respective sovereigns, but also your whole right to protect, beyond the limits of your local jurisdiction, even your naturalized citizens. For, if the right of expatriation do not exist, then every foreigner, in taking upon himself the obligations of allegiance to this country, does it subject to the inalienable principle of native allegiance which this bill admits to exist. So that it recognises the justice of the claim of foreign Sover-

eigns to their original subjects, as well those who are naturalized, as those who are not. I wish to be understood as making no objection on this account; I ask, only, where is the consistency of it? I see the effects of this bill too plainly, not to be satisfied that it does not abandon the projects for which the clamor about the right of expatriation was originally raised. It varies the means, without losing sight of the end. It is, however, most extraordinary, that men, who have been all their lives long, perfect knight errants, in favor of distressed foreigners, who have set their spears in their rests, and gone tilting all over the world in defence of oppressed humanity; who have been inviting it to our shores with both hands, should turn round at once, and pretend to be about to send them all home again, and leave them to the mercy of ancient systems and of their former masters.

But this is not all. This great right of expatriation, which the advocates of this bill and their political friends have been maintaining these twenty years, in favor of all the world, is now denied by the bill to exist, even in our own citizens. The reciprocity of the bill consists in this, that these, our citizens, should be forced home, according to the obligations of their natural allegiance. For, on this principle alone, have we a right to claim their return. Thus strange and mysterious is both the character and parliamentary course of this bill.

Mr. Q. said that his first objection to the bill, considered in the light in which it had been placed by its advocates, as a measure of permanent policy, was, that its provisions were unnatural. By which he meant, that they were irreconcileable with the known nature, and habits, and prejudices, of the great majority of the people of this country. These had always been accustomed to the employment of foreigners in their sea service, and been taught to view it in a favorable light. Now, although it might be wise to counteract these prejudices, and to change these habits, yet this could not be done suddenly, nor by virtue of mere law. It must be done gradually, and, as it were, insensibly, by such systematic, temperate regulations, from which no great temporary embarrassment should result, and which would make the community more ready to cooperate with the general policy. Nothing violent could be permanent. And considering the previous practice and prejudices of the community, nothing was ever more violently repugnant to both than the provisions of the bill.

Mr. Q. said, another objection was, that the bill proceeded upon the assumption of a state of things as a fact, which was notoriously false. The only possible ground upon which a proposition, such as that contained in this bill, could be made to all the nations of the world, must be that of interest. We would offer to drive their subjects out of our employ, on the proposed condition, that they should drive our citizens out of theirs, only on the principle that, in the present existing reciprocation of service, we were losers and they gainers. Now, who believes that this is the case? Who ever heard that their employment of our citizens was an injury? The particular circumstances of the British nation, and the temptation which employment in our marine and merchant service offered to her seamen, was a cause of embarrassment with her, which, in relation to that nation, it was important to obviate. But Great Britain out of the question, and the employment of the mariners of other nations is highly useful and important to us; and particularly is it important, if we are about to set ourselves seriously to drive from our employ British seamen.

Mr. Q. said that the nature of the arguments which had been urged in support of the bill, and the particular character of the support it had received, was another objection. The particular argument in favor of the bill had been vacillating from one principle to another. It was uncertain as to its tendency, and plainly a game of expedients, and not the foundation of any enlarged system of policy. Plain good intention is easily discerned. It is direct and steady in all its movements: its object is distinct, and its course towards it certain. In this way confidence is inspired. But who can have confidence in a measure which, in its nature, contravenes all the previously declared maxims of its advocates, relative to the subject; and which, on one hand, is supported as a measure of war, and on the other as a measure of peace; in the House, as yielding nothing to Great Britain, and out of it, as yielding everything? It is impossible—good never did proceed from a contrivance of this motley, nondescript character.

Had the proposition contained in this bill been adopted in a time of peace, had it been temperate in its character, had it reference to any distinct interest, by which it was modelled, its effects must have been in the highest degree salutary. In such a course, adopted under such auspices, Great Britain would have seen a wise intelligence operating, on which she might have calculated. But what calculation can be made on the provisions of this bill? Will that nation, or any other, credit that the United States are seriously intending to drive all but native and naturalized seamen out of their employ? Or, if such be our intention, will it not be viewed, as it is, a temporary expedient, having reference to particular exigencies; and which will be abandoned as soon as the present end is answered?

I know it is said, that the generalization of this bill is a mere cover to conceal its true nature, which it is pretended, out of doors, is that of a proffer to Great Britain, and that foreign nations will not reciprocate. For my part, I shall wonder, indeed, if they do not. For, Great Britain excepted, there is not an European nation, as I believe, which would not be gainers, and in the same proportion would the United States be losers, by the reciprocity.

As a system of general policy, then, the provisions of the bill are illusive. It remains to be considered what efficacy the bill will have in the attainment of peace, so anxiously and so justly

desired by the people of the United States. It is said to be an instrument of peace. It is, in my apprehension, altogether the reverse. It has not that tendency; nor do I believe it introduced with that intention. I give entire credit to the gentleman from Tennessee (Mr. GRUNDY) when he says, it is not a measure of peace. It has not that intention. I ask this question, Mr. Speaker: Suppose an agent of yours has full powers to negotiate upon any subject; and that he should come to you and ask a limitation of those powers—what reason can he have? Plainly, but one, he means to have a justification, in his hand, in case he refuses certain terms of settlement which may be offered. Having full powers to do his best, if he reject any offers, the responsibility rests upon himself. But if he have terms and conditions specified by which he is to govern himself, then he is justified in refusing any proposition, not fairly included within the terms of limitation.

This is precisely the situation of the President of the United States, and this, as I conceive, is the exact bearing of this project.

It is foreseen that negotiation of some kind will soon be inevitable. The President of the United States has full power to negotiate upon this subject, under the provisions of the Constitution. His business and his duty are to exercise his entire powers, free and full, as that instrument has granted them, and make the best arrangement he can. His duty then, is to come to the Senate, and, if necessary to the House—and say, "These are the best terms I can make; ratify, or reject them, according to your sense of public duty. I have done my duty. It remains for you to do yours."

This is the plain and the only Constitutional course. The provisions of the bill reverse the whole order of proceedings. It causes the Legislature to present an *ultimatum* to Great Britain; to which, if she does not accede, the President throws the responsibility of continuing the war upon Congress, who have thus limited the general authority of the Constitution. It is in vain to say that the provisions of this bill are not, in effect, a limitation of the treaty-making power of the Executive. In the nature of things it must be so. It is so undeniably upon the grounds, on which rest the very argument, on which it is maintained that this bill is necessary. The reason for passing this bill is, that as the subject must require Legislative interposition, it is necessary that the President of the United States should know to what point the Legislature will advance, in such settlement; and that without such previous declaration of the Legislature, that foreign nations can have no confidence in any treaties which may be made, since the Legislature are not bound to enact the requisite provisions. It is, then, apparent that if this bill be necessary to give confidence in any treaty which shall go thus far, that a treaty can be entitled to no confidence, which would go farther. In other words, beyond the limits of our law, the treaty-making power cannot advance.

One of two things is inevitable. Either the terms of the bill are more than Great Britain will require from us, or they are less. If they are more, we have shown our whole hand, and cannot hope for anything better than our own voluntary terms. If they are less, negotiation is hopeless. The President of the United States will never dare go beyond what this bill authorizes, when it is said that, to go as far as this, it is necessary that such a bill should pass. In this lies the mischief of this bill. It offers in effect, as our *ultimatum*, terms which Great Britain has rejected, over and over again. It proffers terms, apparently, but not really, reciprocal. When rejected by her, as they will be, the Executive has obtained an apology for continuing the war, and the opportunity to cast the responsibility of its continuance upon Congress.

Mr. Q. said, that to show how utterly destitute of all reciprocity, even in terms, its provisions were, he would only refer to a single circumstance. By the first section, we require Great Britain to permit us to retain, in our own employment, all her native citizens, whom we have naturalized, or who have declared, or shall declare before a treaty is made, their intention to become naturalized. In the eighth section, which contains the pretended reciprocating proposition, we require Great Britain to prohibit from her employment all naturalized citizens of the United States, without exception of those naturalized, or those voluntarily resident. The very class of her citizens which we claim the right of keeping, is the very class of our citizens which we demand of her to restore. And this is called reciprocal! These are the terms, to which if Great Britain do not accede, all Americans are forever after bound to unite heart and hand in the war! For my part, I consider it, said Mr. Q., as no pacific measure. Its true purpose is to give a peace aspect to the time—to clear the atmosphere, for a moment, so that the money-gudgeons may be made to bite sharp at the Treasury hook. He said that he viewed it as a scheme calculated to deceive the people—to buoy them up with false hopes, when the real intention was to continue the war. Under this belief, it should have no support from him.

Mr. Q. concluded by apologizing for the desultory manner in which he had treated the project—that he had gone farther into its examination than he had at first intended; his chief motive in rising having been to repel the charge of inconsistency; and to make such an explanation of his vote, when he was about to differ from many of his political friends, as might show the true principles upon which it proceeded.

Mr. GOLDSBOROUGH said, that late as it was in the day, and anxious as the House appeared to be for the question upon the bill under consideration, he was under the necessity of asking their indulgence, and of soliciting their attention for a few moments. It was not his intention to engage fully in this debate, or to detain them by an extended argument on the merits of the bill before them; he had no anxiety to make prose-

lytes to it; for he had no hesitation candidly to own, that to its fate he felt almost an entire indifference; he cared very little whether it should be passed or rejected. But as he had made up his mind to vote for the bill, it became necessary, in consequence of observations that had fallen from its particular advocates and patrons, to offer some explanation, for the purpose of obviating improper constructions, and of preventing the erroneous inferences and implications, with which they seemed disposed to entangle and embarrass the course he had determined to pursue. He wished also to state his view of the true character and nature of this bill, and to assign the reasons that had influenced his determination to vote in favor of it, although he felt very little interest about it, and therefore did not profess to be one of its advocates.

This bill, Mr. G. said, had been advocated on the ground of its intrinsic wisdom and excellence, as a permanent navigation system for the United States; and, also, of the peculiar fitness of its provisions to the present state of our foreign relations, in reference to the war in which we are involved. As to its merits, when viewed in the first of these characters, he had little to say. Without pretending to that extent of information, or possessing any of that experience in commercial affairs, which would qualify him to decide on the policy and wisdom of any system of that sort that might be presented to his notice, he would only observe, that he had always supposed it would be beneficial in a national view, gradually to exclude foreign seamen from our vessels, as soon and as extensively as could be consistent with the practical convenience of our merchants. Such a regulation, by excluding foreigners from coming into competition with native American seamen, and thus giving to the latter the encouragement to which they seemed justly entitled, he believed would be attended with the obvious and great national advantage of raising up, in a few years, a numerous and hardy race of real American sailors, adequate both to the commerce and the defence of the country. If the provisions of this bill were calculated to produce that effect, of which he did not pretend to be a competent judge, they would, so far, receive his approbation.

It was, Mr. G. said, in the second character assigned to it, that the object he had in view made it necessary for him to consider it, and the observations upon it, to which he had before alluded. It has been represented, as intended to hold out to the nation with which we are at war, and to our own citizens, the ultimatum on the subject of seamen, on which the American Congress deem it necessary to take a final stand, and from which they are determined never to recede; and as thus containing a pledge to the world never to sheath the sword now drawn until this ground shall be conceded to us by our enemy. Giving to the bill this aspect, much pains have been taken to inculcate, and to impress the opinion, that all those who vote for it, become thereby committed to join, heart and hand, in supporting and continuing the war, at all hazards and to any extent of time, until Great Britain shall accede to the terms it holds out. This doctrine is advanced by the Committee of Foreign Relations in their elaborate report or manifesto, which he was sorry he could not get committed with the bill, in order that an opportunity might be afforded for an attempt to correct the fallacy of some of its statements, and has been urged and much dwelt upon by the honorable gentleman from Tennessee (Mr. GRUNDY) who acts on this occasion as chairman of that committee, and has been the principal, indeed almost the only zealous patron of this bill in all its stages. His principal inducement, Mr. G. said, to rise on this occasion, was to obviate any such false conclusion, and to protect himself, and such of his political friends as might adopt the same course with him in relation to this bill, from having any such improper construction given to their vote. For himself he deemed it his duty to declare, in the most explicit manner, that he did not intend thus to commit himself, and to protest against any such false and injurious inference. No, sir, said Mr. G., we are not to be entrapped in this manner, either by the logic of the Committee of Foreign Relations, or the ingenuity of the gentleman from Tennessee, into an engagement or pledge to give countenance to the continuance of this precipitate, ill-advised and disastrous war, this curse to the nation this poison of its prosperity and happiness, on such grounds and for such objects as are held out in this bill; grounds on which we could not consistently with the duty of fidelity to our country, have originally concurred in the declaration of war, and on which we cannot now advocate its continuance, because they are not truly and purely American. Permit me, sir, said he, in order to show this, to call the attention of the House to the particular provisions of that part of the bill, in which the ground is taken in relation to the controversy about seamen.

The first section of the bill, after a general prohibition to employ on board of public or private vessels of the United States, any persons whatever, goes on, by way of exception, to state the several descriptions of seamen, for the privilege of employing whom in our vessels and for the personal protection of whom by the mantle of our flag, we are, according to the manifesto of the Committee of Foreign Relations, and the doctrine of the gentleman from Tennessee, to wage eternal war, until this point is conceded to us. They are embraced in three classes: 1. Native American seamen; 2. Foreigners by birth who are now, or shall become citizens by naturalization before the termination of the present war by a treaty of peace; 3. Foreigners who shall pending the war, notify, in the manner prescribed by existing laws, their intention to become naturalized; to which may be added a fourth class, resulting from the necessary construction and manifest import of the 2d section, viz: 4. All those foreigners who shall come to this country after the termination of the present war, and

become naturalized in the manner prescribed by this bill, that is, after five years' continued residence within the limits of our country. Taking this bill, then, as having particular relation to the present controversy with Great Britain, and the term, seamen, as used in reference to the same controversy, we are called upon to commit ourselves to wage an endless war, for the protection by our flag, of—1. Native Americans; 2. British born subjects, who now are, or shall be naturalized before the end of the war; 3. British born subjects, who shall, at any time during the war, declare their intention to become naturalized; 4. British born subjects, who shall come here after the war, and become naturalized after five years' continued residence in the country. On the subject thus presented to view, he availed himself of this opportunity, candidly and explicitly to express his sentiments, and to state his views of the true policy of this nation, and the duty of the American statesman. For the protection of the first of those classes of men, the native Americans, whom alone, Mr. G. said, of the whole enumeration, he could consider as being fully and completely of the same political family with himself, he would go as far as any rational man in that House, or in this nation. Such of that class of seamen as had not abandoned their native land, and voluntarily transferred their allegiance or services to some other country, he would secure, in all their rights, both of person and property, against the violence and outrage of any foreign nation, whether at home or abroad, whether at sea or on land, by every practicable means afforded by the resources and strength of our country. He would protect them from impressment by the British; from compulsion by the French, by means of chains, imprisonment, and starvation, to enter on board their privateers, or serve in their vessels of war, and also from the wanton burning of their vessels on the ocean. For the protection, however, of native American seamen from British impressment, no war was necessary to be made, or is required to be continued. Great Britain has never asserted a right to impress native Americans. On the contrary, she has always disclaimed any such pretension; and, therefore, their protection affords no pretext for the continuance of the war. They constitute no part of the controversy between the two nations. It was the claim insisted on by Great Britain, and objected to by our Government, to the seamen born within her own dominions, and who owe to her, as she contends, a perpetual and inalienable allegiance, that form the real ground of the dispute. And it ought to be distinctly known, to the American people, that it was not for the protection of native Americans, but of those who were originally British subjects, and who had become, or should declare their intention to become naturalized citizens of this country, that we are called upon to carry on an interminable war. With respect to those he could not admit that we were under obligations of protection, equally extensive, and equally sacred with those that were due to our natural born seafaring brethren. As to those already really naturalized, he should wish to protect them in any arrangement that might be made upon the subject of seamen; and he believed there would be no difficulty in doing so. They were too few in number to form an inducement to either nation for the continuance of a war so distressing and injurious to both. It appears from the official document, that has been furnished from the Department of State, that the whole number of those, of all nations, who have registered themselves as naturalized seamen for the last seventeen years is but one thousand five hundred and thirty. What number of these were natives of the British dominions, or how many yet remain in American employment, it was impossible to ascertain. But, making a reasonable allowance for deaths and removals, he thought it probable, that not a sixth part of the individuals thus registered were now in our service; and of these he did not believe that one in twenty had been duly naturalized, according to the spirit and intention of our laws, by five years' actual residence in our country. It is evident, indeed, that such residence could have been had but very rarely by seafaring men, from the nature of their employment; and in most, perhaps, almost every instance where they have been naturalized, it must have been on constructive residences, calculating the required five years from their first emigration to this country, and not deducting their intermediate absences from it on foreign voyages; or upon false testimony as to the fact of residence. We know, too, the loose manner in which the business of granting protections has been done in our custom-houses, and must, of course, admit the probability, that many in the account transmitted, have been registered as naturalized seamen, on parole evidence, certificates, or other than the only certain and proper evidence; the authenticated act of the court, by which the individual was naturalized. This description of foreigners, then, the naturalized British seamen, now in our service, were too inconsiderable an object to either nation to form an insurmountable, or even considerable obstacle, to the restoration of peace. With regard to the two remaining classes of British seamen, to which a claim is asserted in the first and second sections of the bill, that is, those not yet naturalized; there was still less reason in continuing the war on their account, because the tie, such as it was, that was to unite them with us in political connexion, had not yet been formed, and notwithstanding a notification of their intention, never might be formed, and, therefore, no obligations had been incurred to them by our Government.

Mr. G. said that with regard to the effects of naturalization, and the extent of the obligations incurred by our Government to those acquired citizens, he could not concur in the doctrine advanced by some gentlemen. He could not consider those obligations to be altogether as absolute and unlimited, in the case of naturalized, as in that of native citizens; but that with regard to the former, they were, from the very circumstances under which they were incurred, neces-

sarily to be understood with some qualifications. He considered naturalization as a conferring of American rights upon persons not entitled to them by birth, but not as a dissolution by the American Government of the ties by which those thus favored were originally connected with the Government under which they were born, and to which they had probably taken the most solemn oaths of perpetual fidelity. To dissolve these original ties is what the American Government certainly has no right to do, and therefore cannot fairly be considered as undertaking to perform. It is an affair between the alien and his natural sovereign or country, with which it is neither our right nor our policy to interfere, unless it be wisdom to enter into hostilities with the great mass of a nation in order to secure to ourselves a few of the individuals belonging to it; to make ten thousand enemies in order to obtain one professed friend. If the two parties to the original political compact, or connexion, choose, by mutual consent, to annul the bond of union between them, be it so; if one of those parties, viz: the citizen or subject, has power completely to sever the tie by his own act of abjuration, let him do so; let him swear away, if he can, his former obligation or his former oaths; we admit him into the American family only in such quality and such condition as he can come; and naturalization cannot be rationally construed to mean anything more. Mr. G., therefore, considered naturalized citizens as entitled, while they remained within our land, to all the immunities, the privileges, and protection of person and property, afforded by our Constitution and laws to our own native citizens. But when they should choose to leave the territorial limits of our country, and migrate again to other countries, or go upon the great highway of nations, he could not consider our Government as bound to protect them any further than was consistent with the general policy and real interest of our country; much less could he admit that there was any *real obligation* to hazard the prosperity, the welfare, and the happiness of our own people by engaging in quixotic wars to absolve and shield them from the allegiance or obligations they may owe to the Government or Sovereign of the country of their nativity. So long as they remain within our territorial limits, the mantle of the Constitution and the laws will protect them. When they choose to abandon those limits upon any speculations or enterprises of their own, and not in the national service, our Government is justifiable, if a regard to the general welfare of our country so dictates, in considering them as going at their own risk, and as their own insurers. This view of the subject, Mr. G. considered particularly applicable to the seafaring class of foreigners who seek employment in our vessels, and sometimes take oaths of allegiance to our Government. This description of wandering foreigners may literally be said to be of no nation. Whatever oaths they may swallow, they imbibe no attachment with the allegiance they may so profess; they feel the sacredness of its obligations to no country. Interest is their impelling motive. When their nation is engaged in war, they fly to some neutral flag, under which they may obtain better wages, and greater personal safety. If abjuring their former allegiance, and taking new oaths of fidelity, be necessary to their obtaining these advantages, they hesitate not to do it, and they shift their service, their allegiance, and their oaths, as often as those inducements may require. They were Englishmen yesterday, they are Americans to-day; they are Swedes or Danes to-morrow. And is it, said Mr. G., for this description of seamen that we are to be entrapped by this bill into a pledge to support and continue the war? Is it for such an object that the administrators of our Government wish to keep us involved in our present calamitous situation? He again positively denied that a vote in favor of this bill could be fairly considered as so committing those who should give such a vote, and for himself protested against any such construction being put upon the vote he should give. That vote notwithstanding, he reserved himself at large, on all future measures growing out of this war, to act in such manner as the convictions of his own mind might induce him to believe best for the interest and honor of his country.

Mr. G. said he would now ask leave to state in a few words his view of the character of this bill, and to assign the reasons that would influence him to vote in favor of it. He could not help here observing that its principal advocate and patron, (he would not say its author, as he believed it to be of higher origin,) the gentleman from Tennessee, (Mr. GRUNDY,) had resorted to an extraordinary course of argument in support of a measure which he showed so much anxiety to carry. Commencing his observations with representing it as a peace measure, he had yet, in the course of his speech, been very explicit in declaring his entire disbelief that it would produce that desirable result, and had dwelt, with much consolation, on the expectation that, if it should not result in peace, it would certainly have the effect to take the ground from under the feet of the opponents of the war, to destroy their political standing and influence, and to unite public sentiment in support of the Administration, and the present majority in Congress, and in favor of their war. If the gentleman wished the aid of the minority, or friends of peace in that House, in passing his favorite bill, it was a singular argument to address to them, that he was sure it would not produce the effect he knew they so much desired; but that, at any rate, it would destroy their popularity, and deprive them of the political confidence and support of their fellow-citizens. Perhaps, however, there was more address in the gentleman's course than at first view was obvious. To secure the passage of his bill he had to conciliate the good will towards it of very opposite political feelings and sentiments in that House; he had to seek support for it among the friends of peace, and the advocates of war. Probably he calculated so

much on the anxiety of the minority to see the blessings of peace restored to their distressed and suffering country, as to believe that they would be willing to receive almost any measure that professed to be intended to effect that desirable object, with whatever hazards to themselves the attempt might be attended. He certainly did them only justice, if he supposed them willing to submit to any personal privations for the public good, and to sacrifice any personal advantages, even their popularity, to the chance of promoting the prosperity, peace, and welfare of their country. As to the war men in that House, he, perhaps, expected to conciliate a portion of them, by declaring that his peace bill would not produce the professed effect, but would certainly have the sweeter effect to sustain the Administration, and the party now in power, and to put down their political opponents. However these arguments might operate with the different sides of the House, Mr. G. believed with the gentleman from Massachusetts (Mr. QUINCY) that this bill, which nobody fully understood, and few cared about, would, like the famous non-intercourse law, which was equally unintelligible, and equally the object of indifference, with very few friends, obtain a very strong vote. As that law, contrary to general calculation at the time of its passage, at last involved us in the war, possibly the present bill might, though he had little hopes that it would in the hands to which it was to be committed, as unexpectedly extricate us from the war. To state candidly his view of the bill, Mr. G. said he considered it, with the manifesto that accompanied it, as a Cabinet measure, the act of the Administration; professing to be adopted for the purpose of bringing about peace, but, in truth, aiming with much more anxiety at a different object. It seemed to him to be a sort of political adventurer, sent out to catch what it may; peace, if it may so happen; if not, what is perhaps more desired—popularity to the war and its authors. As to its producing peace, he had very little expectation of its having that effect. The restoration of that blessing is to be looked for only from the people themselves. Whether it was sincerely intended for that object, he would not pretend to say. It was, however, this character that it had assumed, of being a peace measure, that would induce him to vote for it. He considered the Administration as saying, substantially, to the Representatives of the people, by the proposal of this measure, we wish the instrumentality of such a bill as this, to enable us to extricate the country from the war in which it was involved. If they were sincere in this intimation, and his vote would afford them any facility in the accomplishment of so desirable an object, they were welcome to it for that purpose. Such, he said, was the result of the first consideration he had given to this bill. Further and maturer reflection had confirmed him in the propriety of this course. Mr. G. said it was not from the parts of the bill which had hitherto been noticed, that is from the first and second sections only, that the true character and import of it were to be collected. He would call the attention of the House to another section, which had not been noticed by any gentleman in the debate upon it, and which, in his views, materially altered the character and effect of it. He here read the 9th section of the bill, which is in these words: "and be it further enacted that nothing in this act contained shall be so construed 'as to prevent any arrangement between the 'United States and any foreign nation which 'may take place under any treaty or convention, 'made and ratified in the manner prescribed by 'the Constitution of the United States." By this clause it will at once be perceived that the President, in any negotiation, is released from a restriction to the terms of the first and second sections of the bill. Congress, so far as an expression of their opinion goes, gives him an unrestrained authority—a carte blanche—in relation to regulations about seamen, and the controversy about impressment, notwithstanding the particular provisions of the former part of the bill. And taking the whole bill together, upon a fair construction, if there is any commitment at all resulting from an affirmative vote upon it, it is a commitment, not to continue the war, at all events, until the terms of the first and second section shall be agreed to by our enemy, but to sanction any arrangements the President may make about seamen, which shall produce a peace, however it may deviate from those terms. For if it was the absolute and unconditional determination of Congressmen to recede from those terms, to make them the *sine qua non* of a termination of the war, why give to the President and Senate the express power by treaty to deviate from them? It was such a power, Mr. G. said, as he ought to have; and it fixed upon the President, where it ought to rest, the responsibility of putting an end to the war on terms compatible with the real interest and honor of the nation. Let him look to it, that he discharges his duty to the nation with honorable and disinterested fidelity; that he does not sacrifice the interest and happiness of the native members of our political community, to a blind devotion to the views of imported brethren; and that he does not lose sight of an opportunity to restore to his country the blessings of peace and prosperity in endeavors to apply this bill, this instrument of his asking, to the purpose of obtaining popularity to his favorite war. Mr. G. said that the plain import and effect of this section, taken in connexion with the other parts of the bill, reconciled him to it, and he should give it his vote for the purpose of affording to the Government all the aid in his power to bring about a peace, which he had no doubt might be done on terms of adequate and satisfactory security to the rights of native American seamen. For wandering foreigners, he repeated, he would not, by any act of his, continue the calamities of this war upon the natives, the possessors, and the cultivators of the soil of this country.

Mr. RANDOLPH moved an adjournment, which was lost—yeas 34.

Mr. R. was proceeding to address the Chair, when another motion to adjourn was made, and lost—yeas 56, nays 69.

Mr. R. then spoke at some length in opposition to the bill; and the question on the passage of the bill was then decided in the affirmative—yeas 89, nays 33, as follows:

Yeas—Willis Alston, jr., Stevenson Archer, Daniel Avery, Ezekiel Bacon, John Baker, William W. Bibb, Abijah Bigelow, William Blackledge, Adam Boyd, James Breckenridge, Robert Brown, William A. Burwell, John C. Calhoun, Langdon Cheves, Martin Chittenden, Matthew Clay, James Cochran, Thomas B. Cooke, Lewis Condict, Richard Cutts, John Dawson, Samuel Dinsmoor, William Ely, James Emott, William Findley, Asa Fitch, Meshack Franklin, Thomas Gholson, Thomas R. Gold, Charles Goldsborough, Peterson Goodwyn, Edwin Gray, Felix Grundy, Bolling Hall, Obed Hall, Aylett Hawes, Jacob Hufty, John M. Hyneman, Joseph Kent, William Kennedy, Philip B. Key, William R. King, Lyman Law, Joseph Lewis, jr., Peter Little, Thomas Moore, Archibald McBryde, William McCoy, Samuel McKee, Arunah Metcalf, James Milnor, Samuel L. Mitchill, James Morgan, Jeremiah Morrow, Hugh Nelson, Anthony New, Thomas Newbold, Thomas Newton, Joseph Pearson, Israel Pickens, James Pleasants, jr., Elisha R. Potter, William Reed, William M. Richardson, Henry M. Ridgely, Samuel Ringgold, Thomas B. Robertson, John Rhea, John Roane, Jonathan Roberts, Ebenezer Sage, Ebenezer Seaver, Samuel Shaw, Daniel Sheffey, George Smith, John Smith, Richard Stanford, Philip Stuart, William Strong, John Taliaferro, Uri Tracy, Charles Turner, jr., Laban Wheaton, Leonard White, Robert Whitehill David R. Williams, William Widgery, Thomas Wilson, and Richard Winn.

Nays—William Anderson, David Bard, Burwell Bassett, Harmanus Bleecker, Elijah Brigham, William Butler, Epaphroditus Champion, John Clopton, William Crawford, John Davenport, jr., Joseph Desha, Elias Earle, James Fisk, Isaiah L. Green, Thomas P. Grosvenor, Richard Jackson, jr., Richard M. Johnson, Abner Lacock, William Lowndes, Aaron Lyle, Alexander McKim, Stephen Ormsby, Timothy Pitkin, jr., Peter B. Porter, Josiah Quincy, John Randolph, Thomas Sammons, John Sevier, Adam Seybert, Lewis B. Sturges, Benjamin Tallmadge, George M. Troup, and Robert Wright.

Ordered, That the title be "An act for the regulation of seamen on board the public ships, and in the merchant service of the United States."

Saturday, February 13.

Mr. Gholson, from the Committee of Claims, reported a bill for the relief of Richard Dale; which was read twice, and committed to a Committee of the Whole on Monday next.

The Speaker laid before the House a letter from the Secretary of the Navy, transmitting statements of moneys transferred during the late recess of Congress from one branch of expenditure to another branch of expenditure in the Navy Department; which were referred to the Committee on the Naval Establishment.

The resolution from the Senate for the appointment of a joint committee to wait upon the President of the United States, and inform him of his re-election to the Presidency of the United States, was read, and concurred in by the House; and Mr. Macon, Mr. Tallmadge, and Mr. Sevier, were appointed the said committee.

An engrossed bill to extend the time for issuing and locating military land warrants, was read the third time, and passed.

Mr. Williams, from the Military Committee, reported a bill to authorize the President of the United States to raise ten additional companies of rangers.—[The object of the bill is not in fact to raise an additional force, but to convert one of the twenty regiments of infantry recently authorized to be raised into rangers.]

The bill was twice read.

Mr. Williams then rose and enforced the necessity, under present emergencies, of the immediate authorization of this force, as of a description particularly appropriate to the circumstances of the frontier, as well for the purposes of offence as defence.

The bill was then ordered to be engrossed for a third reading to-day; and was subsequently read a third time and passed unanimously.

The House then resolved itself into a Committee of the Whole on the bill directing the Secretary of the Treasury to remit certain fines, penalties, and forfeitures, therein mentioned. [For the relief of merchants having imported goods recently from the dependencies of Great Britain.] The bill was amended, reported to the House, and ordered to be engrossed for a third reading.

A Message was received from the President of the United States transmitting a statement of the militia of the United States, according to the latest returns received by the Department of War.

ENCOURAGEMENT OF PRIVATEERING.

Mr. Bassett, from the Committee on the Naval Establishment, made a report relative to the expediency of affording greater encouragement to privateering. The report is as follows:

That, in relation to the first inquiry, they find that, by the British statutes of the 13th and 27th of George the Second, the whole prize of each and every public armed vessel is given to the officers and crews making the capture; and they find this principle published by British proclamation, in relation to the present war with the United States. The laws of the United States vol. 3, page 360, direct that, if a capture be made by an American public armed vessel, of equal or superior force, the capturing vessel shall have the whole; in all other cases of capture, one half is distributed to the officers and the other half is paid to the Commissioners of the Navy Pension Fund, pledged, first, for the payment of pensions, and the surplus to be disbursed for the comfort and benefit of seamen. This fund for Navy pensions amounts to something more than two hundred thousand dollars, yielding an annual interest of fifteen thousand dollars; and the amount of pensions is from seven to eight thousand dollars; leaving a yearly balance of seventeen thousand dollars in favor of the fund, and this without the addition of the prizes made this war, which are known to exceed one hundred thousand dollars, and will probably amount to two hundred thousand dollars, so as to double the fund;

while only four persons have been added to the list by the war, to receive twenty-one dollars. From the above it appears, that, from the old pension list, the amount of pensions is little more than three per centum on the amount of prizes. Were five per cent. from the future prizes, to be added to this fund, on past experience it would promise an adequate sum for the payment of pensions. Your committee, however, concluded that it would not do to rely conclusively on past experience, and, on the ground of certainty, deemed it best for the fund to remain as established for another year, when more experience would give more confidence to the decision. As this report is intended to bring the subject under the view of the House, with the hope that it will not be lost sight of at the next session, it will be proper here to add, that, with some of the committee, the idea was entertained that ten per cent. should be withheld from distribution, viz: five per cent. for the pension, and five for the navy hospital fund; in which not only the imbecility of decrepitude, but the imbecility of infancy should also find an asylum. On the other branch of the inquiry, your committee give their fullest attestation to the utility and importance of privateers. If, at other times and in other countries, the effect of individual exertion has been distrusted, the unexampled gallantry of our citizens, in that way, since the declaration of war, assures us that, with Americans, even the individual arm can make an efficient impression on the foe. The mode, however, of giving encouragement, they found not free from difficulty. As least liable to objection, they recommend that a bounty be paid for every prisoner brought in; and, that this proposition may be regularly before the House, they report a bill.

Mr. BASSETT, from the Naval Committee, then reported a bill allowing a bounty to privateers.—[Allowing a bounty of —— dollars for each person they bring in.] Twice read and committed.

ADDITIONAL GENERAL OFFICERS.

On motion of Mr. WILLIAMS, the House resolved itself into a Committee of the Whole on the bill authorizing the appointment of additional general officers in the Army of the United States.

[The bill provides for the appointment of —— additional Major Generals, and —— Brigadier Generals.]

The following letters from the Secretary of War were read:

ADJUTANT GENERAL'S OFFICE,
Washington, December 23, 1812.

SIR: Before I reply to your question, "how many major generals and brigadiers are necessary for an army of thirty-five thousand men?" it may not be amiss to state what is believed to have been the proportion of officers of these grades in the Revolutionary army, and what is understood to be the proportion, at this time, in European armies.

In the first army of the Revolution, raised in 1775, we had a commander-in-chief, four major generals, and eight brigadiers. In 1776, five brigadiers were promoted to the rank of major generals, and twenty-three brigadiers appointed. In 1777, six brigadiers were promoted to the rank of major generals, and three major generals and eighteen brigadiers appointed.

The loss of papers in the War Office, by fire, in 1800, renders it impossible to say, with precision, at what particular periods many of these general officers left the service, but it is within my recollection that, on the 28th of June, 1778, fourteen major generals, and sixteen brigadiers, were actually in service of the United States. Yet, by referring to the official letters of General Washington, in 1778 and 1779, it will be seen that a further increase of general officers was often and warmly recommended.

The main army, under the immediate command of General Washington, it is believed, never amounted to thirty-five thousand men, and it is by no means certain that this number was ever in service at one and the same time, in the whole of what was designated "the continental army." Yet, at no period, between the first of May, 1777, and the close of the war, had we less than thirty general officers in service.

It was deemed necessary, in the Revolution, and it is understood to be the general practice in Europe, at this time, to have at least one brigadier general for every two thousand men, and one major general for every four thousand.

In this country we have never had a grade between the commander-in-chief and that of major general; hence it was found necessary, in the "continental army," to give to the senior major general the command of the right wing, and, to the next in rank, that of the left, which, from the limited number of general officers, often left a division to a brigadier, a brigade to a colonel, and a regiment to a subordinate field officer; but, in Europe, this difficulty is obviated by the appointment of general officers of higher grades.

From the best information I have been able to obtain on this subject, I have no hesitation in saying that eight major generals, and sixteen brigadiers, to command the divisions and brigades of an army of thirty-five thousand men, is the lowest estimate which the uniform practice of France, Russia, and England, will warrant, and that this is much below the proportion of officers of these grades actually employed in the army of the Revolution.

As you have not required my opinion whether it be necessary to have a higher grade than that of major general, I have not deemed it proper to touch this subject, and have confined myself to the number of major generals, and brigadiers, deemed necessary to command the divisions and brigades of an army of thirty-five thousand men. It may not, however, be improper to remark that, if it is intended to have no higher grade than that of major general, their number should be increased to eleven; so as to give one for the chief command, one for each wing, and one for each division of four thousand men.

I am, sir, very respectfully, yours, &c.

T. H. CUSHING, *Adj't Gen.*

The Hon. SECRETARY OF WAR.

WAR DEPARTMENT, *Feb.* 10, 1813.

SIR: In reply to the letter you did me the honor to write to me, on the 5th instant, by direction of the Committee on Military Affairs, I respectfully submit the following opinions:

1st. That an increased number of general officers is essential to the public service. The number of regiments provided for by law, is, two of light dragoons, three of heavy artillery, one of light artillery, one of riflemen, and forty-five of infantry, making, together, fifty-two regiments.

The simplest organization is ever the best. Hence it is, that, as a regiment consists of two battalions, so

a brigade should consist of two regiments, and a division of two brigades.

This sphere of command will be found, in practice, sufficiently large. The management of two thousand men in the field, will be ample duty for a brigadier, and the direction of double that number will give full occupation to a major general. To enlarge the sphere of command in either grade would not be a mean of best promoting the public good.

Taking these ideas as the basis of the rule, and taking for granted, also, that our ranks are filled, the present establishment would require twenty-five brigadiers and twelve major generals. But the latter admission requires qualification, and, under existing circumstances, it may be sufficient that the higher staff should consist of eight major generals, and sixteen brigadiers.

The general argument, on this head, might be fortified by our own practice during the war of the Revolution, and by that of European nations at all times. Believing, however, that this view of the subject has been already taken by the adjutant general, in a late communication to you, I forbear to do more than suggest it.

2d. The recruiting service would be much promoted, were the bounty in land commutable into money, at the option of the soldier, and at the end of his service. This modification would be addressed to both descriptions of men—those who would prefer money, and such as would prefer land.

I need hardly remark that bounties, at the close of service, have many advantages over those given before service begins. The former tie men down to their duty; the latter furnish, if not the motive, at least the means of debauch and desertion.

Another, and a public reason, for the preference, may be found in the greater convenience with which money may be paid at the end, than at the commencement of a war.

I have the honor to be, with great respect, &c.

JOHN ARMSTRONG.

Hon. D. R. WILLIAMS,
Chairman Com. on Military Affairs.

Mr. WILLIAMS explained the progress of this bill, &c. He took occasion to advert to a declaration recently made in debate by Mr. QUINCY, that it was intended to appoint a Lieutenant General to command the armies of the United States, to which Mr. W. said he was precluded by illness from replying to at the time. He now declared that no such intention had ever existed in the minds of Administration; that the late Secretary of War (Mr. EUSTIS) had declared to him (Mr. W.) that he had endeavored to impress on his colleagues in office the necessity of appointing a Commander-in-Chief; but that, to use the Secretary's own words, he could not get the people in the white house (the President's house) to assent to it; that, by the gentleman who temporarily succeeded Mr. EUSTIS in the War Office, he had been informed that no such thing was in contemplation, or would be suggested in any manner to Congress. And all this Mr. W. said he had heard long before the declaration made by Mr. QUINCY, and should then have stated, had not severe and sudden indisposition prevented him from replying, as he had intended, o that gentleman's speech.

Mr. QUINCY expressed his gratification at this information; observing that he had been by no means alone in the impressions he had entertained on that subject, which prevailed pretty generally on both sides of the House.

After some further consideration, the blanks in the bill were filled with six Major Generals and six Brigadier Generals.

The Committee then rose and reported the bill; which was ordered to be engrossed and read a third time to-day.

The bill authorizing the appointment of additional general officers in the Army of the United States, was then read a third time, and pased by yeas and nays: For the bill 95, against it 30, as follows:

YEAS—William Anderson, Stevenson Archer, Daniel Avery, David Bard, William Barnett, Burwell Bassett, William W. Bibb, William Blackledge, Robert Brown, Langdon Cheves, Matthew Clay, John Clopton, William Crawford, Richard Cutts, Roger Davis, John Dawson, Samuel Dinsmoor, Elias Earle, William Findley, James Fisk, Thomas Gholson, Charles Goldsborough, Peterson Goodwyn, Isaiah L. Green, Felix Grundy, Obed Hall, John A. Harper, Aylett Hawes, John M. Hyneman, Richard M. Johnson, Joseph Kent, William Kennedy, Abner Lacock, Aaron Lyle, William McCoy, Alexander McKim, Arunah Metcalf, Samuel L. Mitchill, James Morgan, Jeremiah Morrow, Hugh Nelson, Thomas Newton, Stephen Ormsby, Israel Pickens, James Pleasants jun., William M. Richardson, Thomas B. Robertson, John Rhea, John Roane, Jonathan Roberts, Ebenezer Sage, Lemuel Sawyer, John Sevier, Adam Seybert, Samuel Shaw, George Smith, John Smith, Philip Stuart, John Taliaferro, George M. Troup, Charles Turner, junior, Robert Whitehill, David R. Williams, William Widgery, and Robert Wright.

NAYS—Adam Boyd, Elijah Brigham, William Butler, Epaphroditus Champion, Martin Chittenden, Thomas B. Cooke, John Davenport, junior, William Ely, Asa Fitch, Thomas R. Gold, Edwin Gray, Thomas B. Grosvenor, Jacob Hufty, Richard Jackson, jr., Joseph Lewis, jr., Jonathan O. Moseley, Thomas Newbold, Joseph Pearson, William Reed, Daniel Sheffey, Richard Stanford, Silas Stow, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Uri Tracy, Pierre Van Cortlandt, Laban Wheaton, Leonard White, and Thomas Wilson.

FURTHER INCREASE OF THE NAVY.

On motion of Mr. BASSETT, the House resolved itself into a Committee of the Whole on the bill supplementary to the act for the increase of the Navy; and the bill was discussed, amended, and reported to the House, where the amendments were agreed to.

An amendment was also added, on motion of Mr. TALLMADGE, authorizing the sale of such of the gunboats as may not be necessary to the public service.

Mr. STOW moved to strike out so much of the bill as authorizes the purchase of private vessels for equipment; which was negatived.

And the bill was ordered to be engrossed for a third reading.

And on motion, the House adjourned until Monday.

MONDAY, February 15.

Mr. POINDEXTER presented a petition of the Legislature of the Mississippi Territory, praying that the lands in said Territory, which have been set apart for the use of schools, may be vested in them for the purposes for which they were originally designed; and that a tract of public land, therein described, may be granted to the Washington Academy.—Referred to the Committee on the Public Lands.

Mr. MORROW, from the Committee on the Public Lands, reported a bill allowing further time for delivering the evidence in support of claims to land in the Territory of Missouri, and for regulating the donation grants therein; which was read twice, and committed to a Committee of the Whole on Wednesday next.

The House resolved itself into a Committee of the Whole on the bill to authorize the discharge of Daniel Updike from his imprisonment. The bill was reported without amendment, and ordered to be engrossed and read the third time to-morrow.

The House resolved itself into a Committee of the Whole on the bill from the Senate "giving further time for registering claims to lands in the eastern district of the Territory of Orleans, now State of Louisiana." The bill was reported with amendments, which were concurred in by the House; and the amendments were ordered to be engrossed, and the bill read the third time to-morrow.

The House resolved itself into a Committee of the Whole on the report of the Committee of Claims, made on the petition of Rebecca Hodgson. The Committee rose, and reported their disagreement to the resolution contained in the said report. The House proceeded to consider the report; when it was ordered to lie on the table.

Mr. MACON, from the joint committee appointed on the part of this House, to join the committee on the part of the Senate, to wait on the President of the United States and notify him of his re-election to the office of President of the United States, reported that the committee did, this day, perform the service assigned to them.

The House resolved itself into a Committee of the Whole on the bill for the relief of Samuel Ellis. The bill was reported with an amendment, which was concurred in by the House, and the bill ordered to be engrossed, and read the third time to-morrow.

Mr. LITTLE, from the committee appointed on the subject, reported the following resolution:

Resolved, That the act extending the right of suffrage to the Illinois Territory requires no amendments.

Ordered to lie on the table.

The engrossed bill supplementary to the act for increasing the Navy of the United States, was read the third time, and passed without a division.

MERCHANTS' BONDS.

The engrossed bill authorizing the Secretary of the Treasury to remit fines, forfeitures, and penalties, in certain cases, was read the third time, and rejected by yeas and nays—yeas 56, nays 57, as follows:

YEAS—Willis Alston, junior, Stevenson Archer, Ezekiel Bacon, John Baker, Abijah Bigelow, William Blackledge, Harmanus Bleecker, James Breckenridge, Elijah Brigham, John C. Calhoun, Francis Carr, Epaphroditus Champion, Langdon Cheves, Martin Chittenden, Richard Cutts, John Davenport, junior, Roger Davis, William Ely, James Emott, William Findley, Asa Fitch, Thomas R. Gold, Charles Goldsborough, Edwin Gray, Thomas P. Grosvenor, Jacob Hufty, Richard Jackson, junior, Joseph Kent, William Kennedy, Philip B. Key, Joseph Lewis, junior, Archibald McBryde, Samuel McKee, Jonathan O. Moseley, Hugh Nelson, Timothy Pitkin, junior, James Pleasants, junior, Elisha R. Potter, Josiah Quincy, William Reed, William M. Richardson, Thomas Sammons, Daniel Sheffey, Richard Stanford, Philip Stuart, Silas Stow, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Peleg Tallman, Uri Tracy, Chas. Turner, junior, Pierre Van Cortlandt, Laban Wheaton, Leonard White, and William Widgery.

NAYS—David Bard, William Barnett, Burwell Bassett, William W. Bibb, Adam Boyd, Robert Brown, William A. Burwell, William Butler, Matthew Clay, James Cochran, John Clopton, Lewis Condict, William Crawford, Joseph Desha, Samuel Dinsmoor, Elias Earle, Meshack Franklin, Thomas Gholson, Isaiah L. Green, Bolling Hall, Obed Hall, John A. Harper, Aylett Hawes, John M. Hyneman, Richard M. Johnson, William R. King, Abner Lacock, Peter Little, Aaron Lyle, Nathaniel Macon, Thomas Moore, William McCoy, Alexander McKim, Arunah Metcalf, James Morgan, Thomas Newton, Stephen Ormsby, Israel Pickens, William Piper, Benjamin Pond, John Rhea, John Roane, Jonathan Roberts, Ebenezer Sage, Lemuel Sawyer, Ebenezer Seaver, John Sevier, Adam Seybert, Samuel Shaw, George Smith, John Smith, William Strong, George M. Troup, Robert Whitehill, David R. Williams, Richard Winn, and Robert Wright.

SUSPENSION OF NON-IMPORTATION.

Mr. CHEVES, from the Committee of Ways and Means, made the following report:

The Committee of Ways and Means report: That they have deemed it to be their duty, that the public service may not suffer and that the public credit may be duly supported, to look beyond the ways and means of the present year, and to take into consideration the revenue which may be wanted for the year 1814. That an estimate of the probable amount of the revenue which will accrue under existing laws, and be receivable within that year, has been submitted to Congress in the Annual Report of the Secretary of the Treasury made during the present session. That, comparing the amount thereof with the sums which will probably be required by a prudent regard to the public credit, it appears to the Committee indispensably necessary to make a further provision; that this may be done by a partial suspension of the non-importation acts, which will not greatly lessen their injurious effects upon the enemy, by an additional duty on foreign tonnage, and by the imposition of internal taxes and duties: That, in their opinion, all these means will be necessary to supply the revenue which will be wanted: That it is impracticable, during the present session, consistently with a due attention to the other business of the nation, to enact the laws necessary to embrace the last mentioned object; but that this may be done, without difficulty and without a delay which

will be injurious either to the public credit or the public service, by an earlier meeting of Congress than the Constitutional period, which it will be the duty of Congress, or the Executive branch of the Government, to fix at such time as shall be deemed most proper and expedient: That it is, however, necessary that the suspension of the non-importation acts which is contemplated should be enacted at the present session of Congress: and for this purpose and the imposition of additional duties on foreign tonnage, they beg leave to report a bill. They also report herewith a correspondence between the Secretary of the Treasury and this Committee on the subject of this report.

Letter from the Chairman of the Committee of Ways and Means to the Secretary of the Treasury:

Committee-Room, *Feb.* 3, 1813.

Sir: I am directed by the Committee of Ways and Means to request from you the favor of a reply to the following questions:

1. What, in your opinion, would be the probable amount of revenue applicable to the service of the year 1814, which would result from a modification or partial repeal of the non-importation acts, such as is suggested in your letter, of the 10th of June, 1812, addressed to the Committee of Ways and Means?

2. Is the modification suggested by that letter the best in your opinion that can be devised to obtain a given revenue, with the least possible diminution of the effects of the non-importation acts? If not, be pleased to suggest such alterations and improvements as occur to your mind.

3. Are there, in your opinion, any further legal provisions necessary, or will any be expedient, more effectually to enforce the non-importation acts, or to insure the more effectual collection of the revenue?

4. Would it, in your opinion, be advisable to increase the duty on foreign tonnage? If it would, to what amount? and what would be the probable addition to the revenue applicable to the year 1814 by such increase? I am, &c.

LANGDON CHEVES.

Hon. Albert Gallatin, &c.

Answer of the Secretary.

Treasury Department, *Feb.* 9, 1813.

Sir: I have the honor to submit the following answers to the questions proposed in your letter of the 3d instant:

1. It is believed, from the reasons stated in my letter of the 10th June last to the Committee of Ways and Means, that the amount of revenue applicable to the service of the year 1814, which would result from a modification of the non-importation acts suggested in the said letter, may be estimated at about five millions of dollars, provided that modification takes place during the present session of Congress.

2. No better modification, for the purposes therein intended, has suggested itself than that proposed in the letter aforesaid. But it would seem requisite, for the same object, that no drawback should be allowed on the re-exportation of the merchandise which may be thus imported.

3. The most important legal provision, which appears necessary to enforce the non-importation acts, is a positive prohibition of a restoration by order of court of merchandise, the importation of which is prohibited by law. It is also believed that it will be necessary to order all the cargoes of salt, particularly from Lisbon, to be discharged under the inspection of proper officers; and it appears reasonable that the expense should be defrayed by the importers.

4. It appears, in every point of view, highly desirable, that the duty on foreign tonnage should be increased. A duty of ten dollars per ton does not seem greater than what is required for the protection of American vessels. But I cannot form any correct estimate of the probable addition resulting to the revenue from such increase. Much would depend on the suppression of the trade carried on by American vessels with enemies' licenses.

With respect to the necessity of providing an additional revenue for the year 1814, I beg leave to refer to the statements made and opinions expressed, when I had the honor several weeks ago to wait on the Committee of Ways and Means. And I beg leave to add that this necessity has been considerably increased by the subsequent expenditures authorized by law; amongst which must be particularly mentioned the act for the increase of the navy, and that for raising twenty thousand men for one year. Indeed, considering the general rate of expenditure resulting from the war measures which have been adopted, I am of opinion, it will be necessary to recur both to a modification or repeal of the non-importation acts and to the proposed internal taxes, in order to provide a revenue commensurate with those expenses. When an additional revenue of five millions was believed sufficient, that opinion was predicated on the supposition made by the Committee, that annual loans of only ten or eleven millions of dollars would be wanted. With a revenue of twelve millions of dollars for this year, it is ascertained that a loan of at least sixteen millions is necessary.

I have the honor to be, &c.

ALBERT GALLATIN.

Hon. Langdon Cheves, *Chairman, &c.*

The report and documents were read.

Mr. Cheves then introduced the bill abovementioned, which was read the first time, and ordered to be read a second time by a vote of 44 to 36.

The report and bill were referred to a Committee of the Whole and made the order of the day for Wednesday next. The bill is as follows:

A Bill partially to suspend, for a limited time, the several acts prohibiting importations from Great Britain and her dependencies, and of the produce and manufactures thereof; to lay additional duties, and for other purposes.

Be it enacted, by the Senate and House of Representatives of the United States of America, in Congress assembled, That the operation of so much of any act or acts as prohibit the importation into the United States of goods, wares, and merchandise, of the growth, produce, and manufacture of, or imported from, Great Britain or Ireland, or any of the colonies or dependencies of Great Britain, or ports or places in the actual possession of Great Britain, be and the same is hereby suspended, with the exceptions and under the restrictions hereinafter provided by this act: *Provided,* That nothing herein contained shall be construed to prevent the recovery of any fines, forfeitures, or penalties, incurred by reason of any infraction of the act or acts first above mentioned.

Sec. 2. *And be it further enacted,* That nothing in this act contained shall be construed to permit the importation into the United States of any articles of the growth, produce, or manufacture of the dominions

colonies, and dependencies, of Great Britain, owned at the time of such importation, in whole or in part, by a subject of Great Britain, or by whomsoever owned, if of the following description, viz: hats, shoes, millinery, ready-made clothing; articles of which silk, leather, hemp, or flax, is the principal material, Irish linens excepted; cloths, of which wool is the principal material, and the prime cost of which shall exceed six shillings sterling per square yard thereof; and cloths of which cotton is the principal material, and the prime cost of which shall be less than fifteen pence sterling, or shall exceed three shillings sterling per square yard thereof: the importation of which several articles shall continue to be prohibited, according to the tenor and meaning of the acts first above mentioned, and in the same manner as if this act had not passed.

SEC. 3. *And be it further enacted*, That no drawback of the duties payable on the goods, wares, and merchandise, which may legally be imported into the United States, by virtue of the provisions of this act, shall be allowed or paid on the re-exportation of such goods, wares, and merchandise, any act to the contrary notwithstanding.

SEC. 4. *And be it further enacted*, That there shall be levied upon all goods, wares, and merchandise, which may be legally imported into the United States by virtue of this act, and on the importation of which no duty has heretofore been payable by law, the same duty on the value thereof, as by law is levied and collected on the importation of goods, wares, and merchandise, not otherwise enumerated; which duty shall be levied and collected in the same manner and under the same regulations, mode of security, and time of payment, respectively, as are prescribed by law, in relation to the duties now in force, on the importation of goods, wares, and merchandise.

SEC. 5. *And be it further enacted*, That it shall not be lawful for any judge or court of the United States to order the restoration and delivery of any goods, wares, and merchandise, the importation of which is or may be prohibited by law, and which shall, accordingly thereto, have been seized or libelled on account of such importation, to any person or persons claiming the same. But such goods, wares, and merchandise, shall remain in the custody of the proper officer until final condemnation or acquittal, unless they be directed to be sold by order of the proper court.

SEC. 6. *And be it further enacted*, That all vessels laden, in whole or in part, with salt, or with plaster of Paris, and arriving in the United States, from any foreign port or place, shall be unladen under the inspection of a proper officer of the customs. And the compensation allowed by law to the inspectors shall, whilst they may be thus employed, be paid by the importers or consignees of such cargoes, in the same manner as is now provided by law for the payment of inspectors employed on board of vessels remaining more than fourteen days unladen.

SEC. 7. *And be it further enacted*, That, on all ships or vessels belonging wholly or in part to the subjects of foreign Powers, which shall be entered in the United States after the passing of this act, there shall be paid an additional duty of six dollars per ton; which duty shall be levied and collected in the same manner as is prescribed by law in relation to the duties now in force on the tonnage of ships or vessels.

SEC. 8. *And be it further enacted*, That this act shall be and continue in force from the passage thereof until the first day of June, in the year one thousand eight hundred and fourteen, and no longer.

YAZOO CLAIMS.

The House resolved itself into a Committee of the Whole, on the motion of Mr. POINDEXTER, on the bill from the Senate relative to the compromise of the Yazoo purchases, and the amendments proposed by the Committee of Public Lands to the same.

Mr. HARPER.—Mr. Chairman: The amendments proposed to be made to the bill by the Committee on the Public Lands, are of a nature so essentially different in principle from its original provisions, that it will be impossible to give them a fair discussion without dwelling principally and particularly upon the salutary provisions contemplated by the bill as it has passed the Senate. I possess neither the disposition nor ability to animadvert upon the sentiments or propositions of any honorable member of this House, more especially upon the recommendations of a respectable and highly meritorious committee. I will content myself by observing that, as on the one hand I cannot conscientiously vote for the proposed amendments; so on the other, I will not speak lightly or disrespectfully of them. I am fully convinced that they emanated from a pure and patriotic source, and that love of country was the inducement of the committee to submit them for consideration. And although I cannot bring my mind to subscribe to the propositions, yet I trust I shall be pardoned, when I attempt to assign my reasons for voting in favor of the original bill, and for preferring the provisions contained in that bill to the propositions and alterations made by the committee, and now under consideration.

From the most mature reflection and deliberation I have been able to bestow upon the subject, I am led conclusively to the opinion that the compromise recommended by your agents and recognised by the bill ought to be adopted. By the passage of this bill, I do not perceive that the United States will be in the least degree injured; on the contrary, I think that every guard necessary for the national interest is introduced.

Two great principles have produced the opinion I have just given:

1st. A sense of the justice due to innocent and suffering individuals.

2d. That sound national policy which renders certain, and advances improvements, arts, and everything calculated to promote the interests of an enlightened and virtuous community.

In support of my first proposition, "that justice is due to the innocent sufferers," allow me to present to you, succinctly, a just statement of the case.

In January, 1795, the Legislature of Georgia, (being the sovereign power of that State,) who owned the lands in controversy, for the consideration of about half a million of dollars, granted the same to four companies. The grant bore every evidence of authenticity and formality that is known to the United States, or any part of them. These companies soon after, and principally as early as September, in the same year, and none, I believe, later than February, in the

year following, conveyed and contracted away these lands to many individuals and companies. One of these companies was in South Carolina; all the rest were in Pennsylvania and to the east of it. Here it is to be remarked, that, in all the States east of the Delaware, the grants of a State are considered as sure and certain; and whenever, from any cause, a title so derived has failed, the State governments refund the consideration paid, and interest, together with all the improvements. The sub-purchasers, who are innocent citizens, and never heard of any fraud which might have been practised on, or by the Legislature of Georgia, or any member of it, paid for this property more than four millions of dollars, seventeen years since.

It has since been said that a great number of the members of the Legislature of Georgia were interested in the grants, which interest is to be considered as a bribe; and, as a man cannot avail himself of his own wrong, so no advantage can be derived to him from his own impure or improper act. To this doctrine I fully subscribe. But it is said further, that, as the grants originated in fraud, so that fraud contaminated the act and destroyed its legal effect, as well to the destruction of the innocent, who knew not of the fraud, as of the guilty partners of the iniquity. To this latter doctrine I can never subscribe, in the present state of society. It is applying, under the mild precepts of Christ, that severe doctrine of the Jewish dispensation, that the children's teeth are set on edge by the fathers' eating sour grapes. Let the guilty suffer, but let the innocent go free, is alike the doctrine of our holy religion, of morality, and of common sense. This doctrine is supported by the common, and even by the statute laws of the land.

It is well known that a general agent may do whatever his principal may; that the principal is bound, however the agent may abuse his trust; and that, where one of two innocent persons must suffer by the acts of a third person, he who enabled the third person to occasion the loss must sustain it.

An absolute conveyance by a trustee, whose trust does not appear of record, gives a full title to an innocent purchaser; nor is it material how far the trust may be misapplied.

If a man gives a voluntary deed to one, and the grants for a valuable consideration to another, the land is forever bound; so, if a man obtain a negotiable bill by fraud, and pass it for a good consideration, the assignee shall hold. Again, if a man comes in without notice, under a fraudulent conveyance, he shall hold; for a deed, though fraudulent in its creation, may, by after acts, be made good; as, where A fraudulently grants to B to the injury of C, and C afterwards, for consideration, grants to D, who knows nothing of the previous fraud, D shall hold the property.

The true doctrine is, that fraudulent acts may be set aside as between either of the guilty parties and an innocent person, but never to the injury of the innocent person.

The Constitution and law ordain that full faith and credit shall be given to the acts of a State; and will you punish an innocent man by the loss of all his property for giving that faith and credit *which by law you require?*

It was on these principles that our President, our Secretary of the Treasury, and our late Attorney General, recommended the very principles of compromise which the bill now before you proposes to carry into effect, and which these unfortunate complainants are now willing to meet, to accept, and thereon to release to you their titles, bottomed in equity, and rendered valid by law.

It was upon these principles that, in the important case of Fletcher *vs.* Peck, (VI *Cranch's Reports*, 87,) before the Supreme Court of the United States, that final tribunal decided, and unanimously, (where a majority of the judges on the bench were Republicans, appointed by Jefferson, "the Father of Democracy,") that the title to all these lands was, by law, in the innocent purchasers, who now offer to receive one-eighth of the value in stock, bottomed on the lands alone, without in the least interfering with or entangling any other fund of the nation.

Sir, I am no advocate for the parties concerned in any fraud; I advocate solely the cause of the innocent, that cause which will always receive the sanction of your tribunals of justice, and, at a period not remote, the approbation of all the thoughtful and patriotic men of the nation.

I proceed to consider the policy of the United States; and I do not hesitate to say that, independent of the justice of the case, the true and sound policy of this nation requires the adoption of this bill.

The first object in the policy of a Republic is, to inspire confidence, and to cherish the belief that the Government entertains a peculiar regard for the happiness and rights of every citizen.

In proportion as this confidence is confirmed, is both the safety and practical energy of the nation. Now, when a section considers any portion of its citizens oppressed or treated with severity, that section will lose a part of its confidence. From this want of confidence will arise actual distrust and jealousy, and from these feelings an indisposition to the public service, with some chances of eventual resistance.

These natural operations of the mind furnish, in some part, an explanation of the causes of irritation, which exist in the North. Remove the cause, by allowing to injured and virtuous citizens those rights to which they are entitled, as well by the rule of morality and equity as by your laws, and you lay a foundation for the restoration of confidence, and a consequent unity of action. To be sure, there are other causes of irritation, in their opinion; and, by this measure, full confidence might not be regained, but certainly one of the great obstacles to national harmony would be destroyed.

The value of property depends as well on the certainty and simplicity of title, as upon advantageous location or fertility of soil. While these claims remain without compromise, that certainty and simplicity of title cannot be given;

for the Supreme Court have unanimously decided, that these claimants have good right to the country by law.

It does not comport with the Constitution of this nation for the Legislative or Executive power to annul the decisions of the Supreme Judicature, and, if it was Constitutional, there would be a want of wisdom in hazarding the conflict.

I will remark that, hitherto, neither the national nor any State Legislature have opposed the judicial interpretation of the law; that under the State governments many cases have occurred, in which the judiciary have annulled the acts of the legislative power; that, during Washington's Administration, the judiciary set aside an act of Congress, and the act was afterwards moulded by that Administration to the judicial interpretation of the Constitution; and that no State authority can control the national judiciary, is apparent from the Constitution, and the case of Olmstead, in Pennsylvania, when, under a statute of that Commonwealth, her Governor called for the military of the State to resist the decision of the national judiciary; he likewise appealed to President Madison, who, instead of complying with that appeal, called forth the military of the nation to execute the determination and judgment of the court. Indeed, it is a part of the business of your President to aid in carrying the judgments of your courts into effect; and, by opposing those judgments, he would violate his oath of office, and become liable to impeachment; from which must follow conviction, or your Constitution would be annihilated.

It can require no argument or logic to show that a violation of your Constitution would be opposed to all the dictates of wisdom. You cannot be ignorant, that when the rights of a portion of people, belonging to any section, are withheld, they are absolved from the obligations resulting from the social compact; nor, with me, can you fail to deplore those evils which must arise in case the national ligaments are dissolved. Let the curtain drop, and this question remain undiscussed forever.

The compromise, as proposed by the bill, will not cost this nation the value of one cent in cash or land. In the convention between the United States and Georgia, five millions of acres of the lands in dispute were appropriated to settle these and other claims; and when the same were, by special act of Congress, appropriated for these purposes, it was known that all the other claims did not embrace half a million of acres. The consequence is inevitable and irresistible, that, by the act of Congress, the five millions were appropriated to make provision for these innocent and unfortunate after-purchasers; who now, under their multiplied misfortunes, after a decision of the Supreme Court, in which the judges unanimously have decided that, by law, they own the whole country, feeling alike an indisposition and an inability to contend with the Legislature of their country, offer to take less than one-eighth of what your own courts have declared to be their rights.

Now this fund of five millions of acres may, by the State of Georgia, justly be considered to have been held in trust for this object. Georgia may say, and it is not improbable that hereafter she will say: "These five millions of acres were conveyed to the United States to enable them to settle all these disputes; we had no other consideration for it; you gave us nothing else than an implied promise to remove these difficulties. For our other lands you engaged to give us, from their avails, at first twelve hundred and fifty thousand dollars; by refusing this compromise you have withheld from us our money; hazarded the final payment, and the whole title; and, as you have not applied this land to its destined object, give it back to us, and we will act for ourselves."

Supposing Georgia said this, what could Congress, regarding moral honesty, say for itself without making the compromise? And God forbid that I should suppose a time should, which certainly does not now, exist, in which moral honesty is not regarded. She could not open her mouth. She is bound by every tie either to make the compromise, or to cease to make claim to these lands under the convention with Georgia. But, sir, some have supposed it was better, among whom appear to be the Committee on the Public Lands, to grant the five millions of acres than the choice and alternatives proposed in the bill. They have imagined that, under this bill, your moneys derived from your imposts, your taxes, or other funds, might be drawn from your Treasury. This is not so. I do not pretend to know whether the claimants will accept the lands; but I understand they offer to choose, out of the propositions offered to them by your President, your Secretary of the Treasury, and your great law officer. I think this offer on their part fair and honorable; and when they surrender more than seven-eighths of what your judges have decided to be their rights, I cannot conceive it unreasonable to leave them to take the alternatives offered by your own agents.

Sir, I can easily conceive of reasons which, while they do not injure the nation, will induce the claimants to prefer the stock resting on the land to the land itself. 1st. It is seventeen years since they purchased; many of the former holders are dead, and their widows and orphans look to this property as the means of support. Yes, sir, widows and orphans, who, in consequence of these contracts, innocently entered into on the part of their decesed husbands and parents, have been driven from a state of ease and affluence to that of wretchedness and misery. 2d. The land which is proposed to be conveyed to them is subject to Indian claim, which cannot be removed till it suits the policy of Government. 3d. These people, who want the avails to uphold life, if allowed by the President to buy of the Indians, instead of gaining the means of a support, will be compelled to sacrifice the property; or, if they possess it, to put forth more money to place it in a state of activity.

On the other hand, the Government has hith-

erto kept the monopoly of Western lands, and it cannot be for their interests to have five millions of acres to compete with her in the market.

There is not the least sacrifice on the part of Government. The five millions of acres Georgia conveyed to effect the compromise. By law these five millions cannot be sold short of ten millions of dollars. And what is it the bill offers at most? In lieu of the five millions of acres, a fund of two and a half millions of dollars, payable with interest, out of the avails of these lands, and out of nothing else; and after the previous debt of twelve hundred and fifty thousand dollars shall have been paid to Georgia—which, instead of two dollars, is only half a dollar per acre, and interest on that half dollar till sale—or five millions of dollars without interest, payable after Georgia is thus paid, and out of no other fund than the lands themselves. So that five millions of dollars from the sales of the very lands appropriated is reserved by Government for Indian title and other expense, which is equal to one-half of the value.

The plain amount of the bill is this: Congress, to gain a clear title to forty millions of acres of lands, which the Supreme Court have decided belong to individuals, are to keep at the Treasury a separate account of the avails of the sales of these lands; and out of these avails, in the first place, they are to pay to Georgia twelve hundred and fifty thousand dollars, and then to the honest purchasers two and a half millions of dollars, with interest, or five millions of dollars without interest; and, after these payments are made, they are to put into the national Treasury all the avails of the residue of the forty millions of acres, which, at the public price for lands, will be seventy-three millions of dollars clear profit; or they are to hazard the whole, as well as Georgia her one million two hundred and fifty thousand dollars, upon the doubtful chance of a future change in the opinion of the Supreme Court. Can it be a dictate of prudence to incur this hazard?

The interests of the people of the Mississippi Territory loudly demand this compromise. It is necessary for their prosperity that the wilderness should be cultivated; that their population should be increased, and every facility should be given to new settlers. But we must remember, and here I beg gentlemen to remember, that when they are formed into a State the Yazoo claimants can bring ejectment, and force the honest planter to come here, to vindicate his title before the Supreme Court; and the whole country will be in dispute. From hence will arise scenes of confusion, expense, and every evil which attends a state of uncertainty.

I beg pardon of the gentleman from Georgia for venturing the assertion; but, sir, to my mind, it is apparent that the interest of the people of Georgia requires this compromise. We are at war, and none of our treasuries are overflowing. Pass this bill, and it gives to Georgia a prompt payment of above twelve hundred and fifty thousand dollars, by enabling her now to make use of that amount in her treasury, arising from these lands, under such circumstances that she cannot now use it, without a breach of the public faith.

By passing the bill, all doubts as to our title will be removed. The sales will become more active, and, not to mention the present hazard, she will sooner receive her million and a fourth of dollars. She is anxious about her Southern frontier, and does she overlook entirely her Western? Is it of no moment to her to have the country opened between her capital and Mobile? To make her interior the thoroughfare for all the Atlantic people visiting Louisiana? Does she prefer the savage to the planter and farmer for neighbor? And, sir, who is there that does not know that while these claims remain uncompromised the Indian title will remain, and consequently these lands be kept from market?

Once more, sir; these claimants are considered by the Eastern Legislatures as fully entitled to relief. They have more than once expressed this opinion, unitedly, and not by party or for party purposes. And would it not be consoling to the honorable feelings of the people of Georgia, to know that these innocent persons are relieved from evils, which arose from their own misplaced confidence, and to give this evidence of their regard for the opinions of the sister States?

Sir, the passage of this bill will materially advance the prosperity of the whole people west of the Alleghany. It is well known that New Orleans is their market: that they descend by water, and return by land; that in returning they have to pass through these disputed lands, for four hundred miles, which are and will be a wilderness until this dispute is settled; and the hardships, expense, and risks of life and property, from thence resulting, is apparent to every person of reflection. It really increases the expense of freight upon the whole products of the West.

Sir, in addition to the reasons I have assigned in favor of this compromise, allow me to remark, that the inhabitants of the Mississippi are much exposed to the aggressions of foreign Powers, feeble from want of numbers, and hemmed in by powerful savages; that the importance of that section of the country to this nation is incalculable, while its means of self-defence are weak indeed: and from hence I infer, and I think justly, that in a national view it is a matter of the first importance to compromise these disputes, to purchase the Indian title, and to open the country under such circumstances as are best calculated to produce a numerous and hardy population.

Had this dispute been compromised under Mr. Adams's Administration, and the lands offered in market, there would have been no more need of an army to protect the Mississippi than there is of an army to protect the Potomac; and the moneys already expended in supporting our troops in that quarter, vastly exceed the sum that ever would have been necessary to effect a compromise. Yet most of this money might have been

saved, and been now in your Treasury; for the compromise might have been, as it now can be effected, without costing the nation one cent either in money or in land.

The protection of the Mississippi, from this day to the end of next September, will cost us more than the amount proposed to be paid from the lands for a compromise. The same evil will and must exist, as long as the same policy is pursued. A country exposed to a foreign enemy, weak in its population, rich and inviting in its character, commanding the outlet of more than a million of persons, half surrounded by powerful savages, and distant more than four hundred miles from a vigorous yeomanry, must be protected by regular troops, and at a great expense.

Believing, sir, as I most religiously do, that these injured and suffering claimants have a right to demand this act of justice at our hands—believing that the faith of the nation is in a degree pledged to settle these disputed claims; and, believing also, that the true, sound policy of the nation, requires that we should do it—I should be criminal to myself—I should be criminal to those by whose partiality I am now permitted to address you—I should be criminal to the American people, were I to withhold my support from the passage of the bill.

Mr. CLAY moved that the Committee rise and report progress, with a view to lay the subject over for the session; which he supported on the ground that there was not time to discuss the subject fully during the present limited session, without neglecting business of immediate and pressing importance.

Mr. CLAY'S motion was opposed by Messrs. POINDEXTER, WRIGHT, and WIDGERY, and supported by Mr. BIBB; when the question was taken and carried—yeas 63, nays 48.

The Committee then rose and reported progress; and the question arose whether the Committee should have leave to sit again; which, (after some observations from Mr. STOW, in favor of leave,) was decided by yeas and nays—for granting leave 53, against it 65, as follows.

YEAS—Daniel Avery, Ezekiel Bacon, John Baker, Abijah Bigelow, Harmanus Bleecker, Adam Boyd, James Breckenridge, Elijah Brigham, Francis Carr, Epaphroditus Champion, Martin Chittenden, Richard Cutts, John Davenport, jun., Samuel Dinsmoor, William Ely, James Emott, James Fisk, Asa Fitch, Thos. R. Gold, Charles Goldsborough, Thomas P. Grosvenor, John A. Harper, Richard Jackson, jr., Philip B. Key, Lyman Law, Joseph Lewis, jr., Archibald McBryde, James Milnor, Samuel L. Mitchill, Jonathan O. Moseley, Thomas Newbold, Timothy Pitkin, jr., Benjamin Pond, Peter B. Porter, Elisha R. Potter, Josiah Quincy, William Reed, William M. Richardson, Thomas Sammons, Samuel Shaw, Philip Stuart, Silas Stow, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Peleg Tallman, Uri Tracy, Charles Turner, jr., Pierre Van Cortlandt, Laban Wheaton, Leonard White, William Widgery, and Robert Wright.

NAYS—Willis Alston, jr., William Anderson, Stevenson Archer, David Bard, William Barnett, Burwell Bassett, William W. Bibb, William Blackledge, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, Matthew Clay, James Cochran, John Clopton, William Crawford, Roger Davis, Joseph Desha, Elias Earle, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Edwin Gray, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, Aylett Hawes, John M. Hyneman, Richard M. Johnson, Jos. Kent, William Kennedy, William R. King, Abner Lacock, Peter Little, William Lowndes, Aaron Lyle, Nathaniel Macon, Thomas Moore, William McCoy, Samuel McKee, Arunah Metcalf, James Morgan, Jeremiah Morrow, Hugh Nelson, Thomas Newton, Stephen Ormsby, Joseph Pearson, Israel Pickens, William Piper, James Pleasants, jr., Samuel Ringgold, John Roane, Jonathan Roberts, Ebenezer Sage, Lemuel Sawyer, Adam Seybert, John Smith, Richard Stanford, William Strong, George M. Troup, Robert Whitehill, David R. Williams, Thomas Wilson, and Richard Winn.

On motion of Mr. POINDEXTER, the bill and report on the subject, made by the Committee of Public Lands, was ordered to lie on the table. Motion carried—yeas 60, nays 50.

TUESDAY, February 16.

Mr. MILNOR presented a memorial of the Pennsylvania Society for promoting the Abolition of Slavery, complaining that American vessels, navigated by American citizens, are engaged in the African slave trade, under the flags of foreign nations, and praying that Congress will take this subject into consideration, and pass such laws as will remedy the evil of which they complain.—Referred to a select committee; and Mr. MILNOR, Mr. ROBERTSON, Mr. GROSVENOR, Mr. WHEATON, and Mr. EARLE, were appointed the committee.

Mr. LEWIS presented a petition of sundry inhabitants of Georgetown, in the District of Columbia, praying that an act may be passed authorizing them to make a turnpike road from Georgetown, in the direction of Leesburg, in the State of Virginia, to the boundary of the said District.—Referred to the Committee for the District of Columbia.

The engrossed bill authorizing the appointment of additional officers in the Territories of the United States, was read a third time, and passed; and also the bill authorizing the discharge of Daniel Updike from his imprisonment; the bill for the relief of Samuel Ellis; and the bill giving further time for registering claims to land in the Territory of Orleans, now State of Louisiana.

The House then resolved itself into a Committee of the Whole on the bill for releasing to the owners of privateers all claims of the United States, under the non-importation law, to British property taken on board of American vessels.

After some minutes spent in Committee of the Whole, the Committee rose, reported progress and obtained leave to sit again.

DUANE'S HAND-BOOK.

The House resolved itself into a Committee of the Whole, on the bill "establishing an elementary exercise for the infantry of the militia and Army of the United States."

[The bill proposes the adoption of the system

entitled "A Hand-book for Infantry," the author of which is William Duane, as the system of elementary exercise for the infantry of the militia and Army of the United States.]

A letter from the present Secretary of War to the Military Committee recommends the adoption of this system.

Mr. Turner opposed the bill, on account of defects which he alleged in the proposed system.

Mr. Williams warmly defended it, and at some length advocated its adoption.

Mr. Wright said a few words in its favor; and the Committee rose and reported the bill without amendment.

On the question of engrossing the bill for a third reading, considerable debate took place, Mr. Tallmadge and Mr. Quincy opposing, and Mr. Williams and Mr. Johnson supporting it.

A motion was made by Mr. Turner to amend the bill, so as to confine its effects to the Army of the United States, and not to extend it to the militia; which motion was negatived; and the bill was ordered to be engrossed for a third reading.

NATURALIZATION LAWS.

On motion of Mr. Lacock, the House resolved itself into a Committee of the Whole, on the bill to amend the naturalization laws of the United States; which, having been amended in Committee, was reported to the House.

Mr. Lacock moved to amend the bill by extending the naturalization of aliens to all those "who have heretofore or may within nine months hereafter, declare their intention agreeably to law to become citizens of the United States," and declaring that they may be admitted as such.

This motion was negatived.—For the amendment 45, against it 48.

On the question of concurrence with the committee in striking out the second section of the bill, which deprives of his right to the privileges of citizenship any citizen who shall depart from and remain without the limits of the United States for a term of two years—the yeas and nays were, for striking out the section 71, against it 43, as follows:

Yeas—Willis Alston, jr., William Anderson, Stevenson Archer, Daniel Avery, John Baker, David Bard, William Barnett, William W. Bibb, William Blackledge, Adam Boyd, Robert Brown, William Butler, John C. Calhoun, Langdon Cheves, James Cochran, John Clopton, William Crawford, Roger Davis, Joseph Desha, Samuel Dinsmoor, Elias Earle, William Findley, Asa Fitch, Meshack Franklin, Thomas Gholson, Thomas R. Gold, Peterson Goodwyn, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, Aylett Hawes, John M. Hyneman, Richard M. Johnson, Joseph Kent, William Kennedy, William R. King, Abner Lacock, William Lowndes, Aaron Lyle, Thomas Moore, Samuel McKee, Alexander McKim, Samuel L. Mitchill, James Morgan, Jeremiah Morrow, Hugh Nelson, Anthony New, Thomas Newton, William Piper, James Pleasants jr., Benjamin Pond, Samuel Ringgold, John Rhea, John Roane, Jonathan Roberts, Ebenezer Sage, Ebenezer Seaver, Adam Seybert, Samuel Shaw, George Smith, John Smith, Richard Stanford, William Strong, John Taliaferro, George M. Troup, Robert Whitehill, David R. Williams, William Widgery, Richard Winn, and Robert Wright.

Nays—Ezekiel Bacon, Abijah Bigelow, Harmanus Bleecker, James Breckenridge, Elijah Brigham, William A. Burwell, Epaphroditus Champion, Martin Chittenden, Lewis Condict, John Davenport, jr., William Ely, James Emott, James Fisk, Thomas P. Grosvenor, Jacob Hufty, Philip B. Key, Lyman Law, Joseph Lewis, jr., William McCoy, James Milnor, Jonathan O. Moseley, Thomas Newbold, Joseph Pearson, Israel Pickens, Timothy Pitkin, jun., Elisha R. Potter, Josiah Quincy, John Randolph, William Reed, Thomas B. Robertson, William Rodman, Lemuel Sawyer, John Sevier, Philip Stuart, Lewis B. Sturges, Samuel Taggart, Peleg Tallman, Uri Tracy, Charles Turner, jr., Pierre Van Cortlandt, Laban Wheaton, Leonard White, and Thomas Wilson.

The bill having been thus amended, was ordered to be engrossed for a third reading.

Wednesday, February 17.

The engrossed bill supplementary to the several acts on the subject of an uniform rule of naturalization, was read a third time.

Mr. Bacon opposed its passage on the ground of the impolicy of encouraging the emigration of alien enemies during the existence of war; and concluded a short speech against the bill by moving its commitment to a Committee of the Whole.

Mr. Grundy supported the motion, on the ground of defects in the detail of the bill, which he wished to amend.

The motion, for recommitment, was carried by a large majority, and the bill made the order of the day for Monday.

The engrossed bill establishing an Elementary Exercise for the infantry of the army and militia of the United States, was read a third time, and passed.—For the bill 56, against it 28.

The House then resolved into a Committee of the Whole, on the bill making appropriation for the support of Government for the year 1813; and the blanks in the bill having been filled with the several sums moved by the Chairman of the Committee of Ways and Means, the Committee rose and reported the bill; and the amendments having been agreed to, the bill was ordered to be engrossed for a third reading.

WAR TAXES.

Mr. Little introduced the following resolution, with some remarks in favor of the policy of the non-importation act, to which he avowed himself to be very friendly, and to the suspension of which he was opposed:

"*Resolved*, That the Committee of Ways and Means be, and hereby are, instructed to report to this House a bill or bills laying taxes for the support of the war."

The question of consideration of this resolution was decided in the affirmative, by yeas and nays—for consideration 66, against it 38, as follows:

Yeas—William Anderson, Stevenson Archer, Ezekiel Bacon, David Bard, William Barnett, William Blackledge, Harmanus Bleecker, Robert Brown, William A. Burwell, William Butler, John C. Calhoun,

John Clopton, William Crawford, Richard Cutts, Roger Davis, John Dawson, Joseph Desha, William Findley, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Isaiah L. Green, Felix Grundy, Bolling Hall, Aylett Hawes, John M. Hyneman, Richard M. Johnson, William Kennedy, William R. King, Abner Lacock, Peter Little, William Lowndes, Aaron Lyle, Thomas Moore, William McCoy, Alexander McKim, Arunah Metcalf, James Morgan, Jeremiah Morrow, Hugh Nelson, Thomas Newton, Stephen Ormsby, Israel Pickens, William Piper, James Pleasants, junior, Benjamin Pond, William Reed, John Rhea, John Roane, Jonathan Roberts Thomas B. Robertson, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, Adam Seybert, George Smith, John Smith, Silas Stow, John Taliaferro, Peleg Tallman, Charles Turner, jun., Leonard White, Robert Whitehill, David R. Williams, Richard Winn, and Robert Wright—66.

NAYS—Willis Alston, junior, John Baker, James Breckenridge, Elijah Brigham, Francis Carr, Epaphroditus Champion, Martin Chittenden, Matthew Clay, James Cochran, John Davenport, jun., William Ely, Asa Fitch, Charles Goldsborough, Edwin Gray, Thomas P. Grosvenor, Obed Hall, John A. Harper, Richard Jackson, jun., Lyman Law, Joseph Lewis, junior, Samuel McKee, Jonathan O. Moseley, Thomas Newbold, Elisha R. Potter, Josiah Quincy, William Rodman, Lemuel Sawyer, Samuel Shaw, Richard Stanford, Philip Stuart, William Strong, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Uri Tracy, George M. Troup, Laban Wheaton, and Thomas Wilson—38.

The resolution being thus presented to the House for its adoption—

A desultory debate of two hours took place on it, in the course of which a motion was made by Mr. GRUNDY to lay the resolution on the table, and negatived—60 to 45.

The following was the course of the debate, which was of too irregular a nature to be reported entire.

Mr. GRUNDY opposed the motion, because it had already been declared impracticable, by the Committee of Ways and Means, to act properly on the subject at the present session.

Mr. LITTLE supported it, on the ground of his opposition to a suspension of the non-importation act, a measure which he reprobated as injurious to the manufactures of our country and weakening our measures against Great Britain, of which he considered the non-importation act to be as powerful as any.

Mr. STOW advocated the motion, because he wished the House to redeem the pledge given at the last session that taxes would be laid at this, and to observe something like consistency in their proceedings.

Mr. WRIGHT was also warmly in favor of the measure, and rather imputed blame to the Committee of Ways and Means for not having before acted on this subject, without waiting for instructions from the House.

Mr. BIBB replied to the remarks which had been made in favor of the resolution. At the last session it was presumed that it would be necessary to lay taxes at this session; but the revenue accruing in the intermediate time had swelled so far beyond its anticipated amount as to render it unnecessary to levy taxes for the service of the ensuing year.

Mr. WRIGHT again spoke in favor of the motion.

Mr. RICHARDSON was decidedly in favor of a repeal or modification of the non-importation act, though he believed both that measure and the imposition of taxes would be necessary to supply the revenue.

Mr. MCKIM was in favor of the motion, because he was opposed to the suspension or weakening of the non-importation act.

Mr. CHEVES spoke at length in defence of the Committee of Ways and Means, and in demonstration of the impracticability of acting on the subject properly at the present session. Sitting day and night, and passing by all other business, a proper system of taxation could not be digested and put into the form of law before the end of the session. Two only, out of fourteen of the bills it would be necessary to pass to carry the system proposed at the last session into effect, would require the whole of the present session to perfect them. The passage of a system of taxation, besides, would not obviate the necessity of the passage of the law for suspending partially the non-importation act. It would require both. The taxes, he agreed, must be laid, but could not at the present session.

Mr. WRIGHT replied.

Mr. STOW again spoke. He would, if all the tax bills could not be passed, at least pass one, and break the charm which seemed to withhold the House from touching the subject.

Mr. ARCHER moved to strike out the whole of the resolution, for the purpose of inserting an instruction to the Committee of Ways and Means to report a bill or bills, pursuant to the report of the Committee of Ways and Means on this subject, which passed the House on the 4th day of March, 1812.

This modification of the motion was accepted by Mr. LITTLE.

Mr. CHEVES then withdrew his objection to the motion, as it contained a definite instruction, and he felt a delicacy as a member of the Committee of Ways and Means in opposing it, though he was convinced it would be impracticable to pass the bills at the present session.

Mr. ROBERTS opposed the motion, and expressed his regret that the discussion, which was fixed for to-morrow, should be forestalled by this resolution.

Mr. JOHNSON warmly opposed the motion, as going to cast censure on a committee which had labored day and night in its vocation, and requiring them to originate measures which they had already declared it impracticable to act on at the present session, &c.

Mr. WIDGERY also spoke against the motion, decidedly.

The question on the adoption of the resolution, as modified by Mr. ARCHER, was decided as follows:

YEAS—William Anderson, Stevenson Archer, David

Bard, William Barnett, William W. Bibb, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, Langdon Cheves, John Clopton, William Crawford, John Dawson, Joseph Desha, Elias Earle, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Isaiah L Green, Felix Grundy, Aylett Hawes, Jacob Hufty, Abner Lacock, Peter Little, William Lowndes, Aaron Lyle, Thomas Moore, Arunah Metcalf, Hugh Nelson, Thomas Newton, James Pleasants, junior, John Roane, Jonathan Roberts, Thomas B. Robertson, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, Adam Seybert, Samuel Shaw, George Smith, John Smith, Silas Stow, John Taliaferro, Robert Whitehill, David R. Williams, Richard Winn, and Robert Wright—47.

YEAS—Willis Alston, junior, Daniel Avery, Ezekiel Bacon, John Baker, William Blackledge, Adam Boyd, James Breckenridge, Francis Carr, Epaphroditus Champion, Martin Chittenden, Matthew Clay, James Cochran, Lewis Condict, Richard Cutts, John Davenport, junior, Roger Davis, Samuel Dinsmoor, William Ely, James Fisk, Asa Fitch, Thomas R. Gold, Charles Goldsborough, Edwin Gray, Thomas P. Grosvenor, Bolling Hall, Obed Hall, John A. Harper, John M. Hyneman, Richard Jackson, jr., Richard M. Johnson, William Kennedy, Joseph Kent, William R. King, Lyman Law, Joseph Lewis, jr., Nathaniel Macon, Archibald McBryde, William McCoy, Samuel McKee, Alexander McKim, James Milnor, James Morgan, Jeremiah Morrow, Jonathan O. Moseley, Thomas Newbold, Stephen Ormsby, Joseph Pearson, Israel Pickens, William Piper, Timothy Pitkin, jr., Peter B. Porter, Elisha R. Potter, John Rhea, William Rodman, Lemuel Sawyer, John Sevier, Richard Stanford, Philip Stuart, William Strong, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Uri Tracy, George M. Troup, Charles Turner, jr., Pierre Van Cortlandt, Laban Wheaton, William Widgery, and Thomas Wilson—69.

A communication of a *confidential* nature was announced from the Senate: On which, the House was cleared of all persons, except the Members and officers of the House, and the doors were closed, and after remaining so for some time, they were again opened; and the House adjourned.

THURSDAY, February 18.

Mr. NEWTON, from the Committee of Commerce and Manufactures, reported a bill to authorize the Secretary of the Treasury to provide new certificates of registry; which was read twice, and committted to a Committee of the Whole to-morrow.

Mr. GHOLSON, from the Committee of Claims, reported the bill from the Senate "for the relief of John Redfield, junior," without amendment, and the bill was ordered to be read the third time to-morrow.

On motion of Mr. TALLMAN,

Resolved, That the Committee on Naval Affairs inquire into the expediency of placing on the pension list of the United States all officers and seamen that may be wounded on board of any of the revenue cutters of the United States, in the line of their duty, and that they have leave to report by bill, or otherwise.

An engrossed bill making appropriations for the support of Government for the year 1813, was read the third time, and passed.

A message from the Senate informed the House that the Senate have passed a bill "vesting in the United States the power of retaliation in the cases therein specified."

The bill was read twice and referred to the Committee on Foreign Relations.

The House resolved itself into a Committee of the Whole on the bill for the relief of Susanna Wiley. The bill was reported without amendment, and ordered to be engrossed, and read the third time to-morrow.

The House resolved itself into a Committee of the Whole on the bill from the Senate for the relief of Reuben Attwater. The bill was reported without amendment, and ordered to be read the third time to-morrow.

A message from the Senate informed the House that the Senate have passed a "joint resolution proposing an amendment to the Constitution of the United States, respecting the mode of electing Electors of President and Vice President;" in which they desire the concurrence of this House.

On motion of Mr. RHEA, the House resolved itself into a Committee of the Whole, on the bill in addition to the act regulating the Post Office Establishment.

The Committee rose and reported the bill to the House, without amendment, when it was ordered to be engrossed and read a third time to-day. The bill was subsequently read a third time and passed.

The House went into Committee of the Whole on the bill allowing further time for delivering the evidence in support of claims to land in the Territory of Missouri, and for regulating the donation grants therein. The bill was reported to the House with sundry amendments, and was ordered to be engrossed for a third reading to-morrow.

On motion of Mr. CHEVES, the House went into a Committee of the whole House, on the bill regulating foreign coins.

[The bill provides that all foreign gold and silver coins shall be legal tender, and fixes the value thereof, and limits the operation of the act to five years.]

The bill passed through the Committee of the Whole, was reported to the House and ordered to be engrossed and read a third time.

The bill for the encouragement of Vaccination passed through a Committee of the Whole, without amendment, and it was ordered to be engrossed and read a third time to-morrow.

The bill to alter the times of holding the district courts of New York and Virginia, passed through a Committee of the whole House, and on motion it was ordered to lie on the table.

CAPTURED PROPERTY.

On motion of Mr. LITTLE, the House resolved itself into a Committee of the Whole, on the bill remitting the claim of the United States to certain goods, wares, &c., captured by the private armed vessels of the United States.

Mr. MCKIM, under the belief that the bill as it now stands does not place privateers on a better footing than before, and does not answer the object intended by the resolution which produced it, proposed the following substitute by way of amendment:

"That all right and claim of the United States to British property, which may have been captured by American privateers, arising from forfeiture under any provision of the act entitled 'An act to prohibit commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes,' and an act entitled 'An act concerning the commercial intercourse between Great Britain and France and their dependencies and for other purposes,' and an act supplementary to the last mentioned act, be, and the same is hereby, relinquished for the benefit of the owners, officers, and crews of the privateers respectively that may have captured the same."

This amendment produced some discussion, in which Messrs. MCKIM and WRIGHT advocated the motion, and Messrs. ROBERTS and FISK opposed it; when the question was taken and lost, without a division.

Mr. ROBERTS moved to amend the bill, so as to include captures made of goods which were shipped anterior to as well as since the declaration of war was known in England. This amendment was adopted, 46 to 32.

The Committee then rose, reported the bill to the House, as amended; the amendments were concurred in, and the bill ordered to be engrossed and read a third time to-morrow, 47 to 39.

FRIDAY, February 19.

Another member, to wit: from New Hampshire, GEORGE SULLIVAN, appeared, and took his seat.

Mr. MCKIM presented a memorial of sundry inhabitants of Baltimore, in the State of Maryland, remonstrating against a repeal of the non-importation acts, and suggesting the necessity of further legal provisions more effectually to enforce the said acts.—Referred to the Committee of the Whole.

Mr. TALLMAN, from the committee appointed on the seventeenth instant, reported a bill authorzing the discharge of John McMaster from confinement; which was read twice and committed to a Committee of the Whole on Friday next.

An engrossed bill for the relief of Susannah Wiley was read the third time, and passed.

The engrossed bill regulating the currency of foreign coins, was read a third time, and passed without opposition.

The engrossed bill to encourage vaccination, by allowing all letters to and from an agent, to be appointed to preserve the true and genuine vaccine matter, to be free of postage, was read a third time; and, after the rejection of a motion to recommit it for amendment, made by Mr. WILLIAMS, and of a motion to postpone indefinitely, by Mr. STANFORD, it was amended by general consent, and passed.

The bill from the Senate for the relief of John Redfield, junior, was read a third time; the bill for the relief of Reuben Attwater, and the bill allowing further time for delivering evidence in support of claims to land in the Territory of Missouri, were read a third time, and passed.

The joint resolution from the Senate "proposing an amendment to the Constitution of the United States respecting the mode of electing Electors of President and Vice President of the United States," was read twice, and committed to the Committee of the Whole on the state of the Union.

CAPTURED PROPERTY.

The engrossed bill to release the claims of the United States on certain goods, wares, and merchandise, captured by private armed vessels, was read a third time, and debated.

The bill was passed by the following vote, by yeas and nays—for the bill 38, against it 52:

YEAS—Willis Alston, junior, William Anderson, William Barnett, William Blackledge, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, Matthew Clay, James Cochran, John Clopton, Lewis Condict, William Crawford, Richard Cutts, Roger Davis, Joseph Desha, Samuel Dinsmoor, William Findley, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, John A. Harper, John M. Hyneman, Richard M. Johnson, William Kennedy, Joseph Kent, William R. King, Peter Little, Aaron Lyle, William McCoy, Alexander McKim, Arunah Metcalf, Samuel L. Mitchill, James Morgan, Jeremiah Morrow, Hugh Nelson, Thomas Newton, Stephen Ormsby, Israel Pickens, William Piper, Benjamin Pond, Peter B. Porter, John Rhea, John Roane, Jonathan Roberts, Thomas B. Robertson, Ebenezer Sage, Lemuel Sawyer, Ebenezer Seaver, John Sevier, Samuel Shaw, George Smith, John Smith, William Strong, Robert Whitehill, David R. Williams, and Robert Wright.

NAYS—Stevenson Archer, Ezekiel Bacon, John Baker, William W. Bibb, Abijah Bigelow, Harmanus Bleecker, Adam Boyd, Elijah Brigham, Epaphroditus Champion, Langdon Cheves, Martin Chittenden, John Davenport, jr., William Ely, James Emott, Asa Fitch, Thomas Gholson, Thomas R. Gold, Charles Goldsborough, Edwin Gray, Thomas P. Grosvenor, Aylett Hawes, Jacob Hufty, Richard Jackson, junior, Lyman Law, Joseph Lewis, jun., William Lowndes, Archibald McBryde, Samuel McKee, James Milnor, Jonathan O. Moseley, Thomas Newbold, Joseph Pearson, Timothy Pitkin, jr., James Pleasants, jr., Elisha R. Potter, Josiah Quincy, John Randolph, William Reed, William M. Richardson, William Rodman, Daniel Sheffey, Richard Stanford, Philip Stuart, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Peleg Tallman, Uri Tracy, Charles Turner, jr., Pierre Van Cortlandt, Laban Wheaton, and Leonard White.

EXTRA SESSION.

Mr. GRUNDY, after a few observations on the impracticability of laying the taxes necessary to produce a revenue for 1814, at the present session, and the difficulty of passing the bill now before the House for suspending the non-importation, if indeed it passed at all, and the consequent necessity for an earlier meeting of Congress than usual, offered the following resolution for consideration:

"*Resolved*, That it is expedient that the Thirteenth

Congress should assemble on the last Monday in May next, and that a committee be appointed to bring in a bill providing therefor."

Mr. G. also observed that the fate of this resolution would test the propriety of proceeding at this time in the discussion of the bill for the modification of the non-importation act.

Mr. Bibb said he was pleased at the introduction of this resolution, with the object avowed, of testing the expediency of discussing the late report of the Committee of Ways and Means, in which he had in part concurred. The ungracious manner in which that report had been received by the House, and the debate which took place yesterday, had satisfied Mr. B.'s mind that there was no probability of passing the bill at the present session. The question then arose, whether any public good could arise from a discussion without a probability of obtaining a decision on it. He was satisfied that no good would result. He was convinced the bill reported by the committee ought to pass; but, perceiving so many of a different opinion, he was disposed to concur in the resolution, in order to postpone the subject to the next session.

Mr. Roberts expressed his regret that the resolution had been brought forward, because he thought it misjudged and ill timed. The Committee of Ways and Means, after attending to their duty with some sort of diligence, had reported, as the result of their inquiries, that it would be necessary to pass a bill for partially suspending the non-importation act, as well as to lay the taxes. It was true the bill had been brought forward late; but it had better be discussed now than postponed to an extra session, when the House would not be as well organized, and considerable time must elapse before much business could be done. It was important that the suspension law at least should pass at the present session, if not the taxes also. If the project for a modification of the non-importation was not acceptable to the House, there were other items in that bill which might be; for instance, the increased duty on foreign tonnage, &c. Mr. R. concluded his observations by moving that the resolution lie on the table.

Mr. Grundy said he hoped that if it was not the inclination of the House to adopt the resolution, they would reject it at once. He was of opinion it would be placing the public credit on firmer ground to show that Congress would come here in May for the express purpose of providing the ways and means, than to proceed hastily to suspend, even partially, the non-importation law. It was important that the public mind should receive no shock at this time; and, although he should vote for the bill, if a vote should be taken on it, he yet knew that many well-informed men were warmly opposed to it, and thought it a dangerous measure. He was willing to postpone it until the public mind should be more settled on this subject; and therefore he wished his motion now to pass.

Mr. Bibb said delaying a decision on the motion would defeat its object; for he should in that case feel himself under the necessity of calling up the suspension bill immediately.

Mr. Roberts observed that a postponement of the question of modifying the non-importation act, with an eye to the state of the public mind on that subject, could answer no end, unless the public should be in possession of the facts which had influenced the committee to report the bill. It would be merely putting off the evil day, without producing any beneficial effect. Discussion need not produce irritation; it had become more necessary now, from the memorial on the table from Baltimore. The memorial contained allegations, no doubt proceeding from the impressions on the minds of these memorialists, which must have a prejudicial effect on the public mind, as it was evident that the subject was not correctly understood in all its bearings by those who had draughted that memorial.

Mr. Randolph admired the candor of the gentlemen from Pennsylvania and Tennessee, whatever he might think of their arguments. What was the amount of the observations of the gentleman from Tennessee, if he understood them? At this time the elections in three of the Southern States—Virginia, North Carolina, and Tennessee—the result of which would unquestionably determine the political complexion of the next Congress—had not yet taken place. The election in one of them, and that considerably the largest, would come on in April next. In order to avoid giving offence to the orthodox believers in the non-importation act, it was now proposed to avoid touching it during the present session of Congress, and to postpone it until the elections were over. This was what the gentleman from Pennsylvania called putting off the evil day; while the gentleman from Tennessee seemed to think "sufficient for the day is the evil thereof." Again: as the imposition of taxes at the present session might not have the happiest effect on the elections in these States, this great question, to meet which we had screwed our courage to the sticking place at the last session of Congress, was also to be put off. On the other hand, the gentleman from Pennsylvania said that the next Congress might be composed of men not quite so well organized (not *drilled!*) as the present Congress, and therefore it would be better to act, now that we have the power, because it is not so very certain, if we postpone it, that we shall have the power to act, if we have the will. These sentiments are openly avowed by gentlemen who are in fact leaders of the majority of the House. Is it possible that the American people can be imposed upon by so barefaced a fetch as this? I, for one, said Mr. R., have no objections to an early meeting of Congress, if the public service require it. But I will not consent to lay aside that responsibility which I owe to those I represent on this floor, in order to lay up a little fund of popularity against the next elections. I shall, therefore, vote for the resolution's lying on the table. Mr. R. said the resolution in fact looked one way and rowed another. It looked to an earlier convention of the next

Congress for matters of great public concern; it was in fact, and avowedly, putting off the suspending law and the laying of taxes, until another Congress should be elected. To this he was decidedly opposed.

Mr. GRUNDY disclaimed the motive imputed to him by the gentleman from Virginia; he had before declared his intention to vote for the suspending bill, and that declaration ought to have shielded him from the gentleman's remark. Such an idea as he had suggested would not have entered the mind of any one disposed to view the subject fairly. The non-importation law must be suspended or a double portion of taxes must be laid. Ten millions or more must be levied of internal taxes, or the non-importation act must be repealed or modified. The only question was, which was the most eligible mode of raising a revenue; to modify the non-importation act, and lay five millions of taxes; or leave it as it is, and have five or ten millions more of taxes. There was an additional consideration, Mr. G. said, which he had omitted to urge. What change three or four months might produce in the relations of this country with other countries was extremely uncertain; no man could foretell; a change might take place to make one or the other of these measures more or less eligible, &c. The insinuations which had been made by the gentleman from Virginia in relation to the pending elections, were unfounded as to himself, and entitled to no weight.

Mr. RANDOLPH said he had made no insinuation or suggestion whatever in relation to the gentleman from Tennessee or from Pennsylvania. He had put the gentlemen literally on their own ground. There was no occasion or room for explanation. With regard, however, to the declaration by the gentleman from Tennessee of his willingness to vote for a suspension of the non-importation act, while his motion, if it prevailed, would virtually operate to postpone that question, his declaration would not operate that perfect effect in relation to his motion which the gentleman seemed to think it ought to have. The gentleman had only to recur to the journals of the last session, and he would find his own vote, with that of other gentlemen in favor of laying taxes—a pledge much stronger than a declaration of a disposition to vote for anything—and yet the taxes were not, and, probably, would not be laid, even at this session.

Mr. FISK said he was in favor of the resolution, because he was opposed to the present suspension of the non-importation act. It was no imposition on the nation, nor was he able to understand how or why it could be so construed, unless the gentleman supposed the repeal might have some effect on the elections in Virginia. But was it true that it would affect them? Did that gentleman depend on the effect of any such measure to secure his own re-election? Mr. F. said he should not have mentioned this surmise if the gentleman himself had not introduced the subject. But he had heard it said that what men most think about, they most talk about. Why, then, did the gentleman talk about elections, or why did he suppose this motion intended merely to operate upon elections? The gentleman may reasonably be supposed to wish the taxes to be laid, &c., in order to aid his election, more especially as he intends to vote against them. The inference is as fair on one side as on the other. Such arguments can have no effect.

Mr. WRIGHT opposed the resolution, because he was clearly of opinion there was ample time to lay the taxes at the present session, without putting the nation to the expense, and the members to the inconvenience of an extra session. The public credit required they should now be acted on, and he was ready to vote for them. He was decidedly opposed to a modification of the non-importation act.

Mr. ROBERTS disclaimed the meaning Mr. RANDOLPH had imputed to him. He had merely meant to say, what every one knew, that it was some time after the first convention of every new Congress, before they were in a state to proceed effectually and regularly with public business.

The question on the motion for laying the resolution on the table, was decided in the negative. For laying it on the table 45, against it 81, as follows:

YEAS—John Baker, Abijah Bigelow, Harmanus Bleecker, John C. Calhoun, Langdon Cheves, Martin Chittenden, Richard Cutts, John Davenport, jr., Samuel Dinsmoor, James Emott, William Findley, Meshack Franklin, Thomas R. Gold, Charles Goldsborough, Isaiah L. Green, Thomas P. Grosvenor, Obed Hall, John A. Harper, Aylett Hawes, John M. Hyneman, Richard M. Johnson, William Kennedy, Joseph Kent, Joseph Lewis, jr., Archibald McBryde, James Milnor, Samuel L. Mitchill, Anthony New, Joseph Pearson, John Randolph, William Reed, Jonathan Roberts, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, Samuel Shaw, Daniel Sheffey, George Smith, Philip Stuart, William Strong, Peleg Tallman, Pierre Van Cortlandt, William Widgery, Thomas Wilson, and Robert Wright.

NAYS—Willis Alston, jr., William Anderson, Stevenson Archer, Daniel Avery, Ezekiel Bacon, David Bard, William Barnett, Burwell Bassett, William W. Bibb, Wm. Blackledge, Adam Boyd, Elijah Brigham, Robert Brown, William A. Burwell, William Butler, Francis Carr, Epaphroditus Champion, Matthew Clay, James Cochran, John Clopton, Lewis Condict, William Crawford, Roger Davis, John Dawson, Joseph Desha, William Ely, James Fisk, Asa Fitch, Thomas Gholson, Peterson Goodwyn, Felix Grundy, Bolling Hall, Jacob Hufty, Richard Jackson, jr., William R. King, Abner Lacock, Lyman Law, Peter Little, William Lowndes, Aaron Lyle, Nathaniel Macon, Thomas Moore, William McCoy, Samuel McKee, Alexander McKim, Arunah Metcalf, James Morgan, Jeremiah Morrow, Jonathan O. Moseley, Hugh Nelson, Thomas Newbold, Thomas Newton, Stephen Ormsby, Israel Pickens, William Piper, James Pleasants, jr., Benjamin Pond, Peter B. Porter, Elisha R. Potter, Josiah Quincy, William M. Richardson, John Rhea, John Roane, Thomas B. Robertson, William Rodman, Lemuel Sawyer, John Sevier, John Smith, Richard Stanford, Silas Stow, Lewis B. Sturges, John Taliaferro, Benjamin Tallmadge, Uri Tracy, George M. Troup, Charles Turner, jr., Laban Wheaton, Leonard White,

Robert Whitehill, David R. Williams, and Richard Winn.

The question recurred on the adoption of the resolution.

Mr. Stow was opposed to it. He dwelt on the expense of an extra session, its inconvenience, and the injury which might result to the public credit from a postponement of the consideration of the ways and means for the next year. He was astonished at the aversion to the taxes. The subject of taxation came on by paroxysms; at one moment they could not be dispensed with, at the next they were postponed, &c. He was very anxious that they should now be discussed.

Mr. Cheves said, in reply to an allusion of Mr. Stow, that from the earliest period of the last session of Congress, he had seen the necessity of adopting a fixed revenue. He had voted against a postponement of the subject at the last session, had done everything he could to bring it on, and given all the assistance in his power in preparing the necessary bills. True it was, as he had before stated, that the late importations had obviated the necessity of laying taxes for the present year. And he said now, that if the bill just reported by the Committee of Ways and Means were to pass at the present session, Congress might at an early session pass the laws for laying taxes for the service of the next year; though it was indispensable in his opinion that some system of revenue should be provided at the present session. He should under this impression vote against the resolution; although, if the resolution prevailed and put by the suspension bill, he must of necessity vote for a session in May.

Mr. Grosvenor also was opposed to the resolution, and dwelt on the expense and inconvenience of an extra session. These considerations, however, would yield to stronger arguments in favor of the measure; but none such had been urged. In every point of view the bill for modifying or repealing the non-importation act ought to pass. If we remained at war, the want of revenue rendered its modification necessary: if our situation is likely to be changed, it was a still stronger reason for the repeal. There could therefore be no adequate reason for postponing it. If a decision on this subject be postponed, what will be the situation of the merchants whilst such a measure is hanging over them, and keeping them in perfect uncertainty as to your future measures? Already had they suffered enough from our fluctuating policy. It was due to them that the question should be decided at the present session.

Mr. Findley was much opposed to the idea of an extra session, but if the bill now before the House did not pass, or the taxes were not laid, at the present session, he must of necessity vote for it; because every consideration of private convenience must yield to the public exigency. If an extra session must take place, however, he thought it had better be at an earlier day. He suggested the propriety of leaving the resolution blank as to the day in May at which Congres should assemble.

Mr. Grundy yielded to this suggestion of M Findley, and modified his motion accordingly.

Mr. Nelson was opposed to the resolutio not because he was unwilling that Congres should convene at an earlier day than that fixe by the Constitution, if the Executive shoul think it necessary; but because he was unwillin to shift from himself the responsibility for thi awful measure, as gentlemen seemed to think i which he had pledged himself, from the com mencement of the last session of Congress, to tak upon him. He had been among those who vote at the commencement of the last session of Con gress for certain resolutions, giving to the natio a public pledge that they would supply to th lenders to the Government a fund, to be derive from taxes, for the redemption of the public deb or for the payment of interest. Having give this pledge, I will not give my vote to retir from it. No, sir, said Mr. N., I wish to see th tax bills immediately laid on the table; that th House should embark in the discussion; and it should be found that we cannot get throug them before the Constitutional period of our la bors, I shall then be willing to pass a law fo an extra session; for such a bill might be passe in three hours. Let us avoid, said he, the scof and revilings of the opposition, and of all partie in the Government, who have said we are un willing to meet this question. It might be th pleasure of his constituents, he said, to send som other person in his place. He would go wit those bills in his hand, and tell them how he ha acted. If they were unwilling to support th contest with Great Britain, they would discar him. But he had a better opinion of them. Th House, he said, had better labor day and night t perfect the tax bills, and bring into existence th funds they had pledged themselves to provid than that the public credit should suffer. Wha assurance had gentlemen that the Governmen could procure a single dollar of the proposed loa if they did not provide ways and means for th payment of the interest? Are not the reports o your public officers and committees before th nation, stating that taxes are necessary? An yet do you propose to retire, and "lay the flatte ing unction to your souls" that they may not b necessary, or that the aspect of your foreign re lations may be changed? He considered him self pledged to provide the ways and means, an therefore could not vote for the motion.

Mr. Rhea said he should vote for the motio without referring to the sentiments of his consti tuents. As he had no wish to avoid that respon sibility which attached to him, he should vot as he thought correct, without considering wha might be the construction put on his vote b others.

Mr. Randolph spoke against the motion. H denied the want of time, which had been al leged as a reason for not acting on the repor of the Committee of Ways and Means. Ther was always time to do what the House had

disposition to do. With respect to the operation of the postponement of the bill reported by the Committee of Ways and Means until the elections are over, it would have no effect to render its passage questionable abroad; for, regarding the quarter whence it came, and the sanction it had received, the passage of the bill would be considered as certain. If, on the other hand, there was an indisposition to repeal it, it could not be too soon determined.

The aspect which the House presented to the nation and to the world, Mr. R. said, was one on which he could not by any means delight to dwell. He believed, if we go on for another term of two years as we have for the last two, there will be danger that the Government will dissolve, from its own imbecility. What was the fact? The twelfth Congress had placed the nation in a state of war, and authorized vast military and not small naval preparations. They had sanctioned expenditures to an extent heretofore unknown in the history of this Government. Although in a state of war, and having authorized vast expenses for armies and navies, and loans to an immense amount, unlimited as to interest, and as to sacrifice of principle—to say nothing of the Treasury notes—the same Congress utterly refused to provide the means for supporting the credit of the Government. Is it upon a Parliamentary record like this that you propose to entertain a proposition for peace? It will be spinning out to an infinite extent an already disastrous, disgraceful, and imbecile war. It is throwing from the shoulders of this House and of the Executive branch of the Legislature the awful responsibility fairly attaching to both branches. Averse as he had been to this war from the beginning; sensible as he was of the imbecile, infatuated manner in which it had been conducted; he trusted he should be, if not the last, indisputably among the last men in the House, or in the nation, to approve a disgraceful or even dishonorable peace. And yet, if, at the next session, the President should tender the compact ratifying such a peace—a peace incompatible with the high claims you have set up to the world—what would be the consequence? The President could say, and truly too, that the Congress, by declaring war, voted immense expenditures, and, refusing to provide the ways and means, had driven him to the necessity of making a peace on any terms. Mr. R. said he could not, therefore, lend his agency to produce such a state of things.

But another consideration weighed in some degree—and it was not strange that it should—on his mind. He was unwilling this House should meet, in May next, to gratify the rapacity of the claimants under the Yazoo act of Georgia, of 1795, the cravings of whose appetite had been stayed by the implied promise, in the Committee of the Whole, that when Congress assemble in May next, they shall be gratified to the fullest extent of their wishes. How far this consideration might operate in accelerating the meeting of Congress, it was not for him to say. He had, however, been astonished that the subject had been permitted to slumber on the table of this House as it had been, that, at the next session of Congress, the inchoate act of this House might be permitted to be brought up as one additional motive for gratifying the cupidity of the claimants.

Mr. GRUNDY barely rose to remark, that the consideration last alluded to had certainly no operation on the mind of the mover of the resolution. He had as strong objections to the Yazoo claim as any one in the House, and, when taken up, he would heartily co-operate with that gentleman in its destruction.

The question on the resolution was then decided in the negative—yeas 53, nays 70, as follows:

YEAS—Willis Alston, jun., William Anderson, Stevenson Archer, Daniel Avery, Ezekiel Bacon, William Barnett, David Bard, Wm. W. Bibb, William Blackledge, Elijah Brigham, Epaphroditus Champion, Matthew Clay, John Clopton, Lewis Condict, William Crawford, Roger Davis, John Dawson, William Findley, James Fisk, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Felix Grundy, Bolling Hall, Aylett Hawes, John M. Hyneman, Peter Little, William Lowndes, Aaron Lyle, Nath'l Macon, Thomas Moore, William McCoy, Alexander McKim, James Morgan, Jeremiah Morrow, Thomas Newton, Stephen Ormsby, Israel Pickens, William Piper, James Pleasants, jun., Benjamin Pond, William Reed, William M. Richardson, John Rhea, John Roane, Thomas B. Robertson, John Sevier, John Taliaferro, George M. Troup, Charles Turner, jr., Robert Whitehill, David R. Williams, and Richard Winn.

NAYS—John Baker, Abijah Bigelow, Harmanus Bleecker, Adam Boyd, Robert Brown, Wm. A. Burwell, William Butler, John C. Calhoun, Francis Carr, Langdon Cheves, Martin Chittenden, James Cochran, Richard Cutts, John Davenport, junior, Joseph Desha, Samuel Dinsmoor, Elias Earle, William Ely, James Emott, Asa Fitch, Thomas R. Gold, Charles Goldsborough, Edwin Gray, Isaiah L. Green, Thos. P. Grosvenor, Obed Hall, John A. Harper, Jacob Hufty, Richard Jackson, jr., Richard M. Johnson, William Kennedy, Joseph Kent, Abner Lacock, Lyman Law, Joseph Lewis, jr., Archibald McBryde, James Milnor, Samuel L. Mitchill, Jonathan O. Moseley, Hugh Nelson, Anthony New, Thomas Newbold, Joseph Pearson, Timothy Pitkin, jr., Elisha R. Potter, Josiah Quincy, John Randolph, Jonathan Roberts, William Rodman, Ebenezer Sage, Thomas Sammons, Lemuel Sawyer, Ebenezer Seaver, Samuel Shaw, Daniel Sheffey, George Smith, John Smith, Richard Stanford, Philip Stuart, Silas Stow, Lewis B. Sturges, Benjamin Tallmadge, Peleg Tallman, Uri Tracy, Pierre Van Cortlandt, Laban Wheaton, Leonard White, William Widgery, Thomas Wilson, and Robert Wright.

SATURDAY, February 20.

Mr. MILNOR, from the committee to whom was referred the petition of Bioren, Duane, and Weightman, reported a bill authorizing a subscription for the laws of the United States; which was read twice, and committed to a Committee of the Whole on Monday next.

Mr. MILNOR, from the select committee appointed on the memorial of the Abolition Society of Philadelphia, made a report favorable to the memorial, which was ordered to lie on the table.

SUSPENSION OF NON-IMPORTATION.

On motion of Mr. Cheves, the House resolved itself into a Committee of the Whole on the bill partially to suspend the non-importation acts, and to lay additional duties on foreign tonnage.

Mr. Cheves explained the views of the committee in reporting the bill; entered into an exposition of our finances, and of the object and effects of a suspension or modification of the non-importation law.

Mr. Bibb followed Mr. Cheves in support of the repeal. Though he felt much confidence in the restrictive system, still he thought it expedient now to suspend the non-importation act; it would be a mere change of warfare; and, instead of relying upon its operation upon our enemy, we should now rely solely on the strength and valor of our arms; and this course was the more necessary, as the requisite revenue cannot, at this time, be derived from taxes. Mr. B. went through the bill, explaining and discussing its various provisions, and concluded, by hoping the measure would be adopted.

Mr. Wright spoke some time in opposition to the bill. He believed that the non-importation was the most powerful and efficient weapon which we could wield against Great Britain, and avowed his willingness to raise a revenue by taxes, in preference to deriving it from the importation of British productions.

Mr. Boyd offered the reasons why he should vote against the bill; declaring his confidence in the pressure produced in England by the non-importation, and declared his intention to vote, not only against this bill, but every other which would authorize the introduction of goods from a nation which had treated us with so much injustice.

Mr. Potter declared himself opposed to the bill, although, as the friends of the restrictive system were about to abandon it, and deliver it over to the mercy of its enemies, he believed it would pass. He could not say respecting this bill, as he did of the bill about seamen, which having peace for its object, if it had any, he thought it would be hardly made so exceptionable that he would not vote for it. It was possible it might do good, it could certainly do no harm; we could but be in war, overwhelmed with debt, and disgrace. This bill, the object of which is acknowledged to be that of revenue, for the purpose of continuing the war, at the expense if not at the price of the total destruction of the commercial, shipping, and manufacturing interest of the United States, he said could not be made or amended in any manner, so as to obtain his vote.

Mr. P. said, a few years since he heard so much in Congress about encouraging manufactories, that he began to be apprehensive that the interest of the merchant and landholder was to be sacrificed to them, but he was now induced to believe that it was intended more to amuse than to benefit them, and to make the people generally better satisfied under their very severe sufferings, in time of peace, with the restrictive system; but he said he could not but be astonished, when this system had driven many respectable merchants from their usual business, to employ an immense capital in manufacturing establishments, that they were still to be pursued even in this business again, to their ruin; and that for the purpose of revenue, to be obtained for the use of the war, in the year 1814, the non-importation system was partially to be suspended, when, owing to the war, they cannot return again to commercial pursuits, if they had capital and were so disposed, but, must be left to suffer very much in their present business.

Mr. P. said, when he considered that his constituents had a capital of between four and five millions of dollars thus employed, and examined the bill under consideration, and saw that the goods permitted to be imported were about the same price and quality as those manufactured in this country, he thought if the manufacturers in England would have been permitted to have made a selection for the purpose of putting down their rivals in this country, they could not have done it with more art and address. The second section of this bill "excludes cloths, of which cotton is the principal material, and the prime cost of which shall not be less than fifteen pence sterling, and shall not exceed three shillings sterling per square yard thereof." It therefore, by admitting goods between those prices, admits those of the quality and price almost exclusively manufactured in this country, such as plaids, ginghams, stripes, checks, shirting, sheeting, &c. which sell from thirty to forty cents per yard, and bed-ticks from fifty to seventy-five cents per yard. This bill is farther calculated to take from those manufactories the encouragement given under former laws, by laying heavy duties on articles that have been heretofore admitted duty free, such as card wires, hides, and many other articles which are much wanted, and are of great importance to those concerned in this business, particularly leather and wire.

Mr. P. said, upon examining the 4th section of this bill, one would suppose we were about to make laws, as the good book says good men should give alms, by not letting the left hand know what the right hand does. Very few people by reading this bill, would suppose that a heavy salt tax was intended by it, but so it is. Why not call things by their right names, and let the people see what they pay their money for? This tax bears hard on the poor, inasmuch as they consume as much salt as the rich. A short statement would show the taxing quality of this law. In the first place the extra tonnage duty imposed by it, would operate to increase the price of articles imported to that amount, as it would be paid by the consumer; and salt must, during the war at least, come in foreign vessels exclusively unless our ships sail under British licenses. So that the double duty, the Mediterranean fund, so called, with the additional duty on goods imported in foreign vessels, will make thirty-three per cent. duty on salt, exclusive of foreign tonnage. The last session, the salt tax appeared to be more unpopular than any proposed, and among all the

resolutions for laying taxes, it was the only one that failed, although it was brought up again by a gentleman from Virginia, (Mr. GHOLSON,) who very honorably to himself, upon being informed by his friends that the taxes embraced by the resolutions were considered as comprising one system, and that they ought all to pass together, moved for a reconsideration, and, upon reconsidering the vote, the resolution to tax salt was adopted. Now it seems that this tax has become so popular, that salt is to be taxed singly, and this notwithstanding, by a vote a few days past, the House determined that they would not go into the consideration of the taxes this session, but must have one on purpose to lay them.

Mr. P. said the bill under consideration was well calculated to amuse and gratify both the friends and enemies of the restrictive system. To its friends it holds up the idea that, by a very nice discrimination in the goods permitted to be imported, the British manufacturing interest will not at all be relieved, and that the system will be left to operate upon the enemy with all its severity, while we shall derive immense advantages from such importations. To its enemies is held out the great advantage of making another breach in this system, the discrimination is declared to be of very little importance, as nearly as many goods will be imported as if the act was repealed —[see extract of a letter of June 10th, 1812, when this same subject was pending from the Treasury Department.] It is not believed that the result would be materially affected by a modification, or partial instead of an absolute suspension of the non-importation. Stating as a reason that it would very much depend upon funds then in England. Why then keep up this discrimination, when we have no funds in that country, but for the purpose of amusing the friends with the shadow of their favorite system, while its enemies are to be highly gratified by having offered to them the substance? If, therefore, the enemies on this side of the House should continue the same hostility in time of war as they have done in time of peace, and its friends on the other side are now willing to give up the substance for the shadow, the system thus abandoned must now expire. But, Mr. P. said, he hoped the covering was too thin to deceive either side, and that this very plausible bill at this time would meet its merited fate.

Mr. P. said, the gentleman from South Carolina (Mr. CHEVES) who reported this bill has told us that this was for the express purpose of aiding the revenue in 1814, and has demonstrated that we shall want, for the service of that year, between eight and nine millions of dollars, yet to be provided for. If this bill passes, the direct and internal taxes, he says, must likewise be resorted to, but he thinks it will not do to begin taxation with a land tax of nine millions of dollars, and a shop license, and other taxes of three times the sum reported the last year; and that the system of direct taxation ought to be approached with great caution, beginning with small sums and gradually rising, or the people would not bear it.

Mr. P. asked if it was not as well known when we declared war as it is now, that, if we had war, we must have money, and that, to have money, we must have taxes. A system of taxes was reported early the last session, but as a majority could not be obtained to lay them, war was declared without providing the ways and means to carry it on, under a pretence that there was not time to mature the system, and under a pretended belief that the taxes would better follow than precede the war; time was, however, found to double the duties, and it was understood that the rest of the taxes were to be laid early this session. What has taken place? Almost four months are gone by, little business has been done, and now, at the close of the session, this project again makes its appearance, and want of time is again the excuse for passing this bill, and passing over the general system of taxes. How can gentlemen, who have voted for the war, answer to themselves, their constituents, and to the nation for this neglect; the want of time is but a miserable excuse. They cannot say that they have had from the minority an unreasonable opposition to any of their measures. To suspect that their constituents would not pay taxes to support the war would be doing them injustice, it would even be a libel upon them, after they have justified the war by continuing the men in power that made it.

Mr. P. said, after being in session about twelve months out of sixteen, if any disasters should happen for the want of a timely provision to carry on the war, and to support public credit, on the majority must rest the responsibility. The fault is not with the people; if the majority could have agreed among themselves the whole of the tax bills which have been prepared in the Treasury Department could have passed in a few days. But gentlemen, after incurring enormous expenses, appear to have just found out that the subject of direct taxes ought to be approached with great care and circumspection. Have they so soon forgot that a direct tax of only two millions, when the nation was prosperous, displaced a former Administration, and put the present in power; and are they not a little apprehensive that a tax of nine millions of dollars to begin with will have much the same operation on them? The evil is not to be diminished by postponement, as it is now said the taxes, to answer the wants of the Treasury, must be nearly, or quite three times as much as was contemplated the last year, notwithstanding the revenue derived by British importations the present year.

Mr. P. said that the people in this country, when the present Constitution was adopted, were taught to believe, if they would agree to the Constitution, that we should have neither war, armies, or direct and internal taxes; that the revenue to be derived from commerce would support the Government, and in a few years pay the interest and principal of this debt. But they were told otherwise by the opposers of the Federal Government and Constitution, and as soon as the direct and internal taxes were laid by the Federal Gov-

ernment those people made a great clamor, and said their predictions were verified, and it was soon found that the people in this respect were like spoiled children, and would not endure the taxes, and turned the people out of power that imposed them; and whenever a majority should be found to lay the present contemplated taxes, Mr. P. said it would, in his opinion, be with them as it had been with their predecessors, they would not remain in office to be benefited by the money collected from them.

The gentleman from South Carolina has also said, that this was a good time to borrow money for the use of the present year. Not so; Mr. P. said, if this bill passes, the report of it has already enhanced the value of bills on England, and the passage of it will farther increase the value of them, and depress the value of the stocks of the United States. What are the objects of this law, and what its immediate operation? We are to pay Great Britain this year twenty millions of dollars, to purchase her goods, to relieve her manufactories, to enable her to carry on the war, with a view of collecting from our own people, in the year 1814, about five millions of dollars, in an indirect way, by making them pay it in a higher price, in articles of the first necessity, rather than collect it from them in a direct manner—incomprehensive policy to be sure! If this law does not pass, the money will be retained in the country, and a part of it loaned to our Government to carry on the war. Mr. P. said, it was too humiliating, after we had lost so many millions in time of peace, by this system, that we should in time of war relinquish it, and pay twenty millions of dollars to relieve the British manufacturers, to the destruction of our own, and derive no other earthly advantage from it, but the pitiful consideration of affording Congress the political advantage of taxing the people five millions of dollars, in an indirect way, in the year 1814. This must be a miserable consolation indeed, to the friends of this system, to see it relinquished under so many advantages to the English, and so many disadvantages to ourselves, more especially as it will so completely verify all the predictions of those opposed to this system from its commencement.

The gentleman from Georgia, (Mr. Bibb,) who has been one of the first and firmest friends of this system, seems willing to abandon it, and has assigned for reason, that as the Middle States will not bear a non-exportation, and have been enriching themselves by war prices for their produce, he therefore thinks it very unreasonable, that the more Southern States, South Carolina and Georgia, should any longer suffer, by the operation of this system upon them, and is now willing to give it up for the more honorable mode of warfare, that of valorous fighting. Thus, by the suspension of this system, the Middle and Southern States, owning but little shipping, as to all the purposes of selling their produce, and obtaining, in return, such articles as they wished from abroad, for their own consumption, will be neutral in this war. It is of but little consequence o them whose ships their business is transacted in, in such a state of things. The more Southern and Eastern States, if the declaration of war had not been against Great Britain, by its effects on them, would suppose it was intended to destroy the commercial and manufacturing interests of those States. The same gentleman, in order it is presumed, to make this bill tolerable, with some who have objections to it, has dwelt on the advantage of this discrimination, as it respects the two nations, that we are not to admit woollen cloths, charged at more than six shillings sterling the square yard, and tells us that, to prevent impositions, inspectors will be appointed to break the packages and examine them. This, Mr. P. said, he supposed would be managed with the same kind of vigilance, and much to the same effect, as the law was, prohibiting the importation of British rum. It was well known that nearly as much rum, made at the English West India islands, had been imported since the law as before, all the Treasury tasters to the contrary notwithstanding. He could not say that the breach of the law was connived at by the Treasury Department, for the purpose of revenue; but it was certain that this rum was never made where it was purported to be made, and this is a thing that any person that could distinguish between good old spirits and poor new whiskey could not doubt; but as long as the Treasury wants money, and everything is to bend to the expediency of getting money from the people, in this indirect way, Mr. P. said, he believed the inspectors of dry goods would be as accommodating to the wants of the Government, as the rum tasters had been, and we should, under this law, have fine cloths as well as good rum.

Mr. P. said, if this bill passes, the pride of the nation must be humbled, the interest of the commercial and manufacturing States sacrificed and destroyed, and we shall have taught Great Britain a lesson she never ought to have known, and which she will take advantage of, and practise upon in future. She will have found out that the people in this country will neither bear restrictions or taxes; that when we try non-exportation, the Middle States cry out, and when non-importation, we hear bitter lamentations from the Treasury Department; so that, between the wants of the Treasury and the avarice of the Middle States, the commercial and manufacturing interests are to be ruined, and the interest and ambition of Great Britain gratified. Mr. P. wished the Committee to look back a few years, and see the high and honorable standing of this nation, compared with its present situation. We had a very extensive and lucrative commerce, our canvass whitened every sea, and we enjoyed all the carrying trade from the French colonies to the mother country. But when this last species of commerce was interrupted by the British, our merchants, being not willing to lose so valuable a branch of their business, imprudently made application to Congress to protect them, as far as they could, and seemed to vie with each other who should present them with the best memorial on the subject. Instead of affording any kind of protection

to the merchants for that branch of their business, thus interrupted, even by remonstrances, Congress put a stop to their whole business by an embargo. Thus the protection of Government, in time of peace, by restrictions, has been destruction to their interest. Their relief, by suspending the non-importation act in time of war, is death to them; and if you will forgive them for their imprudence in asking your protection in this instance, they will at least be more prudent in future.

Mr. P. said, that after the trade was at an end by the British taking the French colonies, we would have been satisfied with carrying our own produce to France &c.; but this the English would not permit without a license. But, our Government were then so much alive to the appearance of insult and indignity that they would not permit this, and have attempted to prevent our vessels when abroad from taking clearances to go from one foreign port to another, under heavy penalties and disabilities. This was called tribute, and could not be submitted to, and, to our resentment in time of peace, all trade was interdicted with the English, and at length the nation undertook to vindicate their honor and interest by war. Since the time we have declared war, we have continued our export trade to feed British armies, while our own people have been suffering for want of bread; and now, to complete our humiliation, we are to suspend our non-importation system.

Mr. P. said, although he had been always opposed to this system in peace, he would not now agree to suspend it for financial considerations. He was unwilling to say to the British that we had mistaken their wealth and strength for the purposes of war, and to acknowledge to them our inability and weakness. The gentlemen who have made this war might as well say, at once, if the English would forgive us the past, we would do better in future; and we might all say of the war, that it was ill-timed, unfortunate, and ill-fated; that nine months of such war has so far humbled our pride and reduced our resources as to make the friends of this system, in time of war, (the only time that it can operate with any effect,) willing to surrender it for nothing.

Mr. P. said this suspension gives at once to Great Britain almost all the advantages of our commerce that she derived in time of peace, with the additional advantages of employing her own capital, and her own ships, under the flags of her friends, while we cannot move an additional ship, unless by her permission. They must decay in our docks. When in time of peace our merchants have been restrained from trading with them in their own ships, after declaring war, we are now about to humble ourselves to them, and agree, in a very submissive manner, to take their merchandise from them in any manner, and in any vessel that they will please to license for that purpose; and, for this sacrifice, we get an additional duty on tonnage, which only serves to increase the price of goods imported, and is paid by the consumer, and not by the foreigner.

Mr. P. had heard a great deal of the virtue and efficacy of the restrictive system, of its operating upon the British Government through their manufacturers, and now, he was sorry to find, by some strange operation of our Treasury Department, over our own Government, in time of war, the British manufacturers were to be relieved, and our own destroyed. What a melancholy picture of national humiliation and degradation! Who can bear it?

Mr. P. thought that gentlemen ought to have a little regard to consistency in respect to their measures. He said a bill had been rejected the day this was reported, calculated to relieve our citizens who were in the British North American colonies about the time our war was commenced, and who could not bear the idea of remaining and taking the oath of allegiance to the enemy, but fled for refuge to the United States, and brought their effects with them, relying upon the clemency of their own Government, believing them more merciful than an enemy. You have refused them relief. The consequence is, their goods are forfeited, and you are now about to give privileges and advantages to English, Spaniards, and Portuguese, to import goods into this country to great profit, when you confiscate the remnant of the property of your own citizens, who have escaped with their lives.

Mr. P. said he wished the Committee would, for a moment, consider what would be the situation of the different sections of the United States if this law is suspended and the war continued. It increases the value of the produce of the Middle States, and the Southern States will be relieved. The commerce of the more Northern and Eastern States will be annihilated, as they cannot move another ship without a license; their manufactories will be almost destroyed by importations of British goods, and the increased price of breadstuffs, from the same cause. You give to Great Britain more than she ever would have thought of; you completely prostrate our commerce and manufactures to her; you give her a trading war, and a monopoly of the commerce of the world. Mr. P. said if our territory was invaded by a neighboring and powerful enemy, and we were to be divided and conquered, and our Government destroyed, that, for the purpose of supporting the Government, preserving the integrity of the States, and saving the nation in such a conflict, he would be willing to give up the commerce of the country without a murmur. But, said Mr. P., when the war was professedly for the protection of commerce, he could not, nor would not agree to sacrifice it for the purpose of humbling ourselves before Great Britain, in asking them generously to permit us to import a few of their coarse goods, to enable us, eighteen months hence, to devise the means, in an indirect manner from our own citizens, to continue the war, to conquer a cold, barren country that we did not want, and shall never get, and have no business with. Mr. P. declared that he believed if we suspended the non-importation law, we would have a trading war, and Great Britain

would have no inducement to make peace; and for such a state of things, for fifteen years, he had no doubt Great Britain would give us her possessions in this country, and make a good bargain. She would then furnish us with what we wanted, and take what we had to sell, in her own ships, and at her own prices. Mr. P. said he was not only against a partial suspension of the non-importation law, but against a total repeal of it, as long as the war lasted. In peace, he was for commerce; in war, for restrictions. As we were one nation, he hoped we might prosper or suffer together.

Mr. P. said he did not wish to defeat the bill under consideration, to compel Congress to lay those taxes; for, we had been informed, and it was very evident, that they must be laid, let the fate of this bill be what it may; or, the war must not only cease, but the credit of the Government was at an end. He had voted against the war, and every species of expense; and he never would vote for a ship, a man, or a cent to carry it on. Those that made the war, might provide the ways and means to carry it on; and those that had incurred those enormous expenses, might devise means to obtain money to pay them. Mr. P. said the majority must govern, and, as they had made the war, they must take their own measures to prosecute it, or to terminate it by peace, as they were responsible to the people for the war and its consequences. Yet, he said, he hoped he should ever be found to do his duty as a good citizen in paying his proportion of the expenses, in such manner as the Government should see fit to require them, until a majority should be found to retrieve this once happy country from all the horrors of war, and restore it again to peace and prosperity.

Mr. Roberts replied to Mr. Potter and others, who spoke in opposition to the bill, and supported the bill at considerable length.

Mr. McKim moved that the Committee rise, and ask leave to sit again. He believed the subject under discussion to be the most important he was ever called to act on in his present capacity, and desired a little time to deliberate.

The motion was opposed by Messrs. Bibb, Cheves, and Roberts.—Motion lost.

Mr. Wright moved to strike out the first section of the bill, which contains the principle of the bill.

The question was taken on Mr. Wright's motion, and carried. For striking out 63, against it 23.

A motion was then made that the Committee rise and report progress.—Carried.

The bill was reported to the House as amended, and the question of concurring with the committee in striking out the first section, was decided in the affirmative—yeas 79, nays 24, as follows:

Yeas—William Anderson, Stevenson Archer, Ezekiel Bacon, John Baker, David Bard, Abijah Bigelow, Harmanus Bleecker, Adam Boyd, Elijah Brigham, Robert Brown, William A. Burwell, William Butler, Epaphroditus Champion, Martin Chittenden, Matthew Clay, John Clopton, William Crawford, Richard Cutts, John Davenport, jun., John Dawson, Joseph Desha, Elias Earle, William Ely, James Emott, Asa Fitch, Meshack Franklin, Thomas Gholson, Thomas R. Gold, Peterson Goodwyn, Isaiah L. Green, Thomas P. Grosvenor, Aylett Hawes, Jacob Hufty, Richard Jackson, junior, Joseph Kent, Philip B. Key, William R. King, Abner Lacock, Lyman Law, Joseph Lewis, jr., Peter Little, Wm. Lowndes, Aaron Lyle, Thomas Moore, Alexander McKim, Arunah Metcalf, James Milnor, Samuel L. Mitchill, James Morgan, Jonathan O. Moseley, Hugh Nelson, Thomas Newbold, Thomas Newton, Stephen Ormsby, William Piper, Benjamin Pond, Peter B. Porter, Elisha R. Potter, Josiah Quincy, William Reed, William M. Richardson, John Roane, Ebenezer Sage, Thomas Sammons, Ebenezer Seaver, Adam Seybert, Samuel Shaw, Richard Stanford, Lewis B. Sturges, Samuel Taggart, John Taliaferro, Benjamin Tallmadge, Peleg Tallman, Charles Turner, junior, Laban Wheaton, Leonard White, Robert Whitehill, Thomas Wilson, and Robert Wright.

Nays—Willis Alston, jr., William Barnett, William W. Bibb, William Blackledge, John C. Calhoun, Langdon Cheves, James Cochran, Lewis Condict, Roger Davis, William Findley, Felix Grundy, Bolling Hall, John A. Harper, John M. Hyneman, Richard M. Johnson, William Kennedy, Samuel McKee, Jeremiah Morrow, Israel Pickens, John Rhea, Jonathan Roberts, Thomas B. Robertson, George Smith, and Silas Stow.

Mr. Wright moved to recommit the bill to the Committee of Ways and Means.—Motion lost.

The second, third, and fourth sections of the bill, being connected with, and depending upon, the first section, of course fell with it.

Mr. Bibb moved that the 8th section, which limits the operation of the bill to the first day of January next, be stricken out.

Mr. Key spoke against the motion, on the ground that, as the bill now stands, goods hereafter brought into the country are ordered not to be surrendered to the parties on their giving bond; he did not wish such a regulation to become a permanent law, but wished it to be limited, as originally contemplated by the bill.

The motion produced some discussion, in which it was argued for striking out the limiting clause, that, under the practice of allowing the importers to dispose of their goods, on giving bond for the value of the same, immense frauds had been practised on the Government by the unfair valuations which had been made.

Before the question on Mr. Bibb's motion was decided, a motion was made to adjourn, and carried.

Monday, February 22.

Mr. Cheves, from the Committee of Ways and Means, reported a bill making appropriations for the support of the Military Establishment and of the Militia in the actual service of the United States, (and of the Militia in their actual service,) for the year 1813; which was read twice, and committed to a Committee of the Whole tomorrow.

Mr. Cheves, from the same committee, also

reported a bill to continue in force, for a limited time, the first section of the act, entitled "An act further to protect the commerce and seamen of the United States against the Barbary Powers;" which was read twice, and committed to a Committee of the Whole to-day.

Mr. LEWIS, from the Committee on the District of Columbia, presented a bill to incorporate a company for making a certain turnpike road in the County of Washington, in the District of Columbia; which was read twice and committed to a Committee of the Whole on Wednesday next.

Mr. TALLMAN moved the following resolution:

Resolved, That the Committee on Naval Affairs be instructed to bring in a bill for the benefit of the officers of the frigate Constitution, granting to them a sum not less than one hundred thousand dollars, as a reward for their gallantry in their late naval victory.

The resolution was ordered to lie on the table.

The bill to alter the time of holding the district courts of New York and Virginia, was ordered to be engrossed for a third reading.

The bill to amend the naturalization laws passed through a Committee of the Whole, and was ordered to be engrossed for a third reading.

The bill reported by Mr. CHEVES to-day, to continue in force for one year longer the duty usually called the Mediterranean Fund, passed through a Committee of the Whole, and was ordered to be engrossed for a third reading.

On motion of Mr. NEWTON, the House resolved itself into a Committee of the Whole, on the bill to prohibit any vessel of the United States from trading under any pass or license from a foreign Power.

The bill received several amendments in Committee; but the Committee rose without having gone through the same, and obtained leave to sit again.

A message from the Senate informed the House that the Senate have passed the bill "authorizing the issuing of Treasury notes for the year 1813;" with amendments. The Senate have also passed a bill "concerning seamen and shipping of the United States;" in which amendments and bill they desire the concurrence of this House.

The amendments of the Senate to the bill "authorizing the issuing of Treasury notes for the year 1813" were read, and referred to the Committee of Ways and Means.

The bill from the Senate "concerning seamen and shipping of the United States" was read twice and referred to the Committee of Commerce and Manufactures.

Mr. GRUNDY offered a resolution to the following effect, which, after the rejection of a motion to lay it on the table, was agreed to by a large majority:

Resolved, That a committee be appointed to inquire into the expediency of providing by law for an earlier day for the next meeting of Congress than that fixed by the Constitution.

CAPTURE OF THE JAVA.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Senate and House of Representatives of the United States:

I lay before Congress a letter, with accompanying documents, from Captain Bainbridge, now commanding the United States' frigate "the Constitution," reporting his capture and destruction of the British frigate "the Java." The circumstances and the issue of this combat afford another example of the professional skill and heroic spirit which prevail in our naval service. The signal display of both by Captain Bainbridge, his officers, and crew, command the highest praise.

This being a second instance in which the condition of the captured ship, by rendering it impossible to get her into port, has barred a contemplated reward of successful valor, I recommend to the consideration of Congress the equity and propriety of a general provision, allowing, in such cases, both past and future, a fair proportion of the value which would accrue to the captors on the safe arrival and sale of the prize.

FEB. 22, 1813. JAMES MADISON.

U. S. FRIGATE CONSTITUTION,
St. Salvadore, 3d January, 1813.

SIR: I have the honor to inform you that, on the 29th ultimo, at 2, P. M., in south latitude 13° 6′, and west longitude 38°, about ten leagues distant from the coast of Brazil, I fell in with, and captured, His Britannic Majesty's frigate Java, of 49 guns, and upwards of four hundred men, commanded by Captain Lambert, a very distinguished officer. The action lasted one hour and fifty-five minutes, in which time the enemy was completely dismasted, not having a spar of any kind standing. The loss on board the Constitution was nine killed and twenty-five wounded, as per enclosed list. The enemy had sixty killed and one hundred and one wounded, certainly; (among the latter, Captain Lambert, mortally) but by the enclosed letter, written on board this ship, by one of the officers of the Java, and accidentally found, it is evident that the enemy's wounded must have been much greater than as above stated, and who must have died of their wounds previously to their being removed. The letter states sixty killed and one hundred and seventy wounded.

For further details of the action, I beg leave to refer you to the enclosed extracts from my journal. The Java had, in addition to her own crew, upwards of one hundred supernumerary officers and seamen, to join the British ships of war in the East Indies; also, Lieutenant General Hislop, appointed to the command of Bombay, Major Walker, and Captain Wood, of his staff, and Captain Marshall, master and commander in the British navy, going to the East Indies to take command of a sloop of war there.

Should I attempt to do justice, by representation, to the great and good conduct of all my officers and crew, during the action, I should fail in the attempt; therefore, suffice it to say, that the whole of their conduct was such as to merit my highest encomiums. I beg leave to recommend the officers particularly to the notice of Government, and also the unfortunate seamen who were wounded, and the families of those brave men who fell in the action.

The great distance from our own coast, and the perfect wreck we made of the enemy's frigate, forbade every idea of attempting to take her to the United States. I had, therefore, no alternative but burning her, which I did on the 31st ultimo after receiving all

the prisoners and their baggage, which was very tedious work, only having one boat left out of eight, and not one boat left on board the Java.

On blowing up the frigate Java, I proceeded to this place, where I have landed all the prisoners, on their parole, to return to England, and there remain until regularly exchanged, and not to serve in their *professional capacities*, in any place, or in any manner whatever, against the United States of America, until said exchange is effected. I have the honor to be, &c.

WILLIAM BAINBRIDGE.

Hon. Paul Hamilton, *Secretary Navy.*

List of killed and wounded on board the United States frigate Constitution, under the command of Commodore William Bainbridge, in an action with His Britannic Majesty's frigate Java, Henry Lambert, Esq., commander, December 29th, 1812.

Killed.—Seamen: Jonas Ongrain, Joseph Adams, Patrick Conner, Barney Hart, John Cheeves, Mark Snow, John D. Allen, William Cooper, Thomas Hanson, private marine.

Wounded.—William Bainbridge, Esq. commander, severely; John C. Aylwin, lieutenant, severely; Charles F. Waldo, master's mate, severely; Peter Woodbury, quartermaster, severely.—Seamen: John Clements, severely; Joseph P. Cheéves, severely; Nicholas Vixtram, slightly; William Long, dangerously; Stephen Webb, dangerously; Reuben Landers, dangerously; Joseph Ward, severely; William Weaden, slightly; Enos Bateman, dangerously; Jas. D. Hammond, slightly; Peter Venus, severely; Stephen Sheppard, slightly; Abijah Eddy, slightly, Philip Cook, severely; Philip Brimblecom, severely; Samuel Brown, severely; Daniel Hogan, severely; Thomas Williams, 3d, slightly; John Voyle, severely; Anthony Reaver, private marine, slightly; John Etwell, slightly.

AMOS A. EVANS, *Surgeon.*
R. C. LUDLOW, *Purser.*
WM. BAINBRIDGE.

The following is a list of His Britannic Majesty's military and naval officers, &c., parolled at St. Salvadore, (Brazils) by Commodore William Bainbridge, 3d January, 1813.

Military Officers: 1 Lieutenant General, 1 Major, 1 Captain.

Naval Officers: 1 Post Captain, 1 Master and Commander, 5 Lieutenants, 3 Lieutenants of Marines, 1 Surgeon, 2 Assistant Surgeons, 1 Purser, 15 Midshipmen, 1 Gunner, 1 Boatswain, 1 Master, 1 Carpenter, 2 Captain's Clerks.—38 Officers.

Three hundred and twenty-three petty officers, seamen, marines, and boys, exclusive of nine Portuguese seamen liberated and given up to the Governor of St. Salvadore, and three passengers, private characters, whom the Commodore did not consider prisoners of war, and permitted them to land, without any restraint.

Referred to the Committee on the Naval Establishment.

DUTY ON DISTILLED SPIRITS.

Mr. McKim said that the House had been told that, in consequence of the rejection of the bill for suspending the non-importation act, it would be absolutely necessary, in the course of the remainder of this short session, to devise a system of internal taxation for the support of the Government. Under this view of the subject, he had turned his attention to the best subjects for taxation. At the last session, a system had been introduced into the House, calculated to produce a revenue of something less than six millions of dollars. He had drawn up a resolution, the object of which was to lay a tax on distilled spirits. From the returns of the quantity distilled in the United States, it appeared that a duty of twenty-five cents per gallon could produce a larger revenue than the whole of the thirteen tax bills last session reported by the Committee of Ways and Means. The advantage of a tax of this description over a direct tax, or other taxes, would be obvious; and he was persuaded that there was time enough to introduce and mature a bill for that purpose. To bring this subject before the House, he offered the following resolution:

Resolved, That the Committee of Ways and Means be instructed to report a bill to impose a duty on all spirituous liquors distilled in the United States, not to exceed an average of twenty-five cents per gallon, according to the degree of proof thereof.

The House having agreed to consider the resolution—

Mr. Wright made a long speech in support of the motion.

Mr. Johnson opposed this motion as founded on untenable ground, partial, ill-timed, and altogether, under the circumstances, as a monstrous proposition. It was so obviously unjust as to render it unworthy of inquiry.

Mr. Bibb remarked, *en passant*, that the debate to which this motion had given rise was a happy illustration of an assertion the other day, that it would be practicable, during the present session, to discuss, mature, and pass the bills for laying taxes. Mr. B. proposed that the resolution should be amended by referring the subject to a select committee, as the Committee of Ways and Means were known to be opposed to it.

Mr. Cheves spoke to the same effect.

Mr. McKim accepted the modification proposed by Mr. Bibb.

Mr. Grundy and Mr. Findley spoke warmly against the resolution, as partial in its nature and inexpedient.

Mr. McKim defended it.

Mr. McKee spoke warmly and argumentatively against it. He could not, for a moment, conceive that such a proposition would be entertained by any respectable portion of the House. He alluded also to the peculiar situation of that country which this proposed tax would affect—the people of the West, who now had to bear the brunt of the battle, and over whom was gathering a most portentous cloud—alluding to the congregation of hostile Indians on the frontier.

Mr. Cheves spoke against the resolution, because he was opposed to exclusive taxation on any particular portion of the country. He was willing that such a tax should compose a part of the system of taxation, the burden of which, however, he wished to see equally distributed.

Mr. Quincy remarked, that the reason assigned by Mr. Cheves against the motion was the very

reason he should vote for it. At the last session a part only of a report of a whole system by the Committee of Ways and Means had been adopted. That part of it was the double duties, a tax affecting one portion of the people exclusively. Now, a proposition was made for a tax to operate on another portion of the people; and he should vote for it, because, in his opinion, the only way in which a general system could be organized, was to agree to the partial propositions thus offered.

Mr. STOW spoke nearly to the same effect as the last speaker.

The question was then taken by yeas and nays on this proposition, and decided in the negative; yeas 46, nays 75, as follows:

YEAS—Ezekiel Bacon, Abijah Bigelow, William Blackledge, Harmanus Bleecker, Elijah Brigham, William A. Burwell, Francis Carr, Martin Chittenden, Lewis Condict, Richard Cutts, John Davenport, jun., Samuel Dinsmoor, William Ely, Asa Fitch, Thomas Gholson, Thomas R. Gold, Peterson Goodwyn, Isaiah L. Green, Thomas P. Grosvenor, Obed Hall, Aylett Hawes, Jacob Hufty, Richard Jackson, jr., Peter Little, Alexander McKim, Samuel L. Mitchill, Jas. Morgan, Hugh Nelson, Thomas Newbold, Benjamin Pond, Elisha R. Potter, Josiah Quincy, William M. Richardson, Lemuel Sawyer, Ebenezer Seaver, Samuel Shaw, Silas Stow, William Strong, Benjamin Tallmadge, Peleg Tallman, Pierre Van Cortlandt, Laban Wheaton, Leonard White, Robert Whitehill, David R. Williams, and Robert Wright.

NAYS—Willis Alston, jr., William Anderson, Stevenson Archer, Daniel Avery, John Baker, David Bard, William Barnett, Burwell Bassett, William W. Bibb, Robert Brown, William Butler, John C. Calhoun, Epaphroditus Champion, Langdon Cheves, Matthew Clay, James Cochran, John Clopton, William Crawford, Roger Davis, John Dawson, Joseph Desha, Elias Earle, James Emott, William Findley, Meshack Franklin, Charles Goldsborough, Edwin Gray, Felix Grundy, Bolling Hall, John M. Hyneman, Richard M. Johnson, William Kennedy, Joseph Kent, Philip B. Key, William R. King, Abner Lacock, Lyman Law, Joseph Lewis, jun., Wm. Lowndes, Aaron Lyle, Thomas Moore, William McCoy, Samuel McKee, Arunah Metcalf, James Milnor, Jeremiah Morrow, Jonathan O. Moseley, Anthony New, Thomas Newton, Stephen Ormsby, Joseph Pearson, Israel Pickens, William Piper, James Pleasants, junior, Peter B. Porter, S. Ringgold, John Rhea, John Roane, Jonathan Roberts, Thomas B. Robertson, William Rodman, Ebenezer Sage, John Sevier, Adam Seybert, John Smith, Richard Stanford, Philip Stuart, Lewis B. Sturges, George Sullivan, John Taliaferro, Uri Tracy, George M. Troup, Charles Turner, junior, Thomas Wilson, and Richard Winn.

So the motion was negatived.

ENFORCEMENT OF NON-IMPORTATION.

The House resumed the consideration of the unfinished business, viz: the remnant of the bill lately referred to the Committee of Ways and Means.

The motion pending on the last adjournment was, to strike out the fifth section, which prohibits the Judges of the United States from giving up property under judicature, on the owner's giving bonds for refunding its value.

After considerable desultory debate, the motion to strike out the section was negatived—yeas 44, nays 73, as follows:

YEAS—Ezekiel Bacon, John Baker, Abijah Bigelow, Harmanus Bleecker, Elijah Brigham, Epaphroditus Champion, Langdon Cheves, Martin Chittenden, John Davenport, jun., John Dawson, William Ely, Jas. Emott, Asa Fitch, Thomas R. Gold, Charles Goldsborough, Thomas P. Grosvenor, Richard Jackson, jr., Joseph Kent, Lyman Law, Joseph Lewis, jun., Archibald McBryde, James Milnor, Jonathan O. Moseley, Thomas Newbold, Stephen Ormsby, Joseph Pearson, Elisha R. Potter, Josiah Quincy, William Reed, Wm. M. Richardson, Thomas B. Robertson, William Rodman, Daniel Sheffey, Philip Stuart, Silas Stow, Lewis B. Sturges, George Sullivan, Benjamin Tallmadge, Peleg Tallman, Uri Tracy, Pierre Van Cortlandt, Laban Wheaton, Leonard White, and Thomas Wilson.

NAYS—Willis Alston, jr., William Anderson, Stevenson Archer, David Bard, William Barnett, Burwell Bassett, William W. Bibb, William Blackledge, Robert Brown, William Butler, John C. Calhoun, Francis Carr, Matthew Clay, James Cochran, John Clopton, Lewis Condict, William Crawford, Richard Cutts, Roger Davis, Joseph Desha, Samuel Dinsmoor, Elias Earle, William Findley, James Fisk, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, Aylett Hawes, John M. Hyneman, Richard M. Johnson, William Kennedy, William R. King, Abner Lacock, Peter Little, Aaron Lyle, Thomas Moore, Wm. McCoy, Alexander McKim, Samuel L. Mitchill, Jas. Morgan, Jeremiah Morrow, Hugh Nelson, Anthony New, Thomas Newton, Israel Pickens, William Piper, James Pleasants, jr., Benjamin Pond, Peter B. Porter, Samuel Ringgold, John Rhea, John Roane, Jonathan Roberts, Ebenezer Sage, Lemuel Sawyer, Ebenezer Seaver, John Sevier, Adam Seybert, Samuel Shaw, John Smith, Richard Stanford, William Strong, John Taliaferro, George M. Troup, Charles Turner, junior, Robert Whitehill, David R. Williams, Richard Winn, and Robert Wright.

Mr. MILNOR then moved to strike out the section of the bill which provides for laying an additional duty on foreign tonnage.

Mr. MILNOR observed that as the sense of the House had been expressed on the section of the bill, which prohibits the restoration of property libelled under the non-importation law on bond to the claimant, he would add but an observation or two to those already advanced by gentlemen opposed to the measure. He believed its authors were mistaken in the advantage expected to arise to the Government from this severe and oppressive provision. If, in a few instances, sworn appraisers had been guilty of improper conduct, had violated their oaths, in order to reduce the appraisement of property of this description below its actual value, while he would offer no apology for acts that all must condemn, yet gentlemen might rest assured that the same hostility to the restrictive system that led to such improprieties will alike deprive you in the same places of any benefit from the remedy proposed. The feelings of the appraisers, where such things

have been done, is the feeling of the public; your forced sales will be frowned on; and the property sold by your officers will be sacrificed at a lower price than the undervalued appraisements of which you complain. It will be odious to bid against the owners. They will be the purchasers of their own goods, at their own prices. But, Mr. M. said, that he did not believe the evil of unfair valuations was by any means general. In the city he represented, and in most of the ports of the United States, he had understood them to have been fairly and honestly made. The few exceptions that had occurred furnished no just ground for a proceeding of universal operation, so oppressive as the one proposed, which unnecessarily deprived the merchant of his property, subjected the Government to a heavy expense for storage and custody fees, as well as a risk of loss, and gave them no advantage which they did not now possess, if their officers did their duty, under the provisions of the existing laws, and the present practice of our courts.

But, Mr. M. said, he principally rose to state his objections to another section of the bill: that imposing an additional tonnage on foreign vessels, the policy and propriety of which he much doubted. The American trade not destroyed by the war, and our commercial restrictions will during their continuance, be very small. A few fast sailing vessels to and from France, and partial return cargoes for our produce exported to Lisbon and Cadiz, under licenses, form the bulk of the trade in which American merchants can be employed in their own shipping. All our other, and by far the greater part of our importations, must be in neutral foreign bottoms. Is it not of importance to the nation, and to the Government, that these importations should be encouraged? To the nation, because the goods are wanted, and to the Government, because revenue is wanted. The revenue from duties will for some time be principally derivable, unless our measures destroy the trade, from importations in vessels which you are about to subject to a burden that must greatly discourage, if it does not prevent, their coming to our ports. If, as some suppose, four-fifths of the duties received during the war will be from goods imported in foreign vessels, surely it is not good policy to drive them from us. We shall lose by this impolitic proceeding much more in the reduction of this source of revenue, than we can possibly gain by an increased foreign tonnage. In fact, the amount received from tonnage duty will not, even if it be extended as proposed, bear any comparison with that obtained from duties on goods imported.

Mr. M. said that the tonnage duty was never considered so much as a means of revenue, as of ascertaining the amount of the tonnage of foreign and American vessels, respectively, arriving in the United States. He said it would be found, though he had not the documents before him to make an accurate comparison, that the receipts from this source had been heretofore comparatively trifling. For the sake of such an increase as this addition will give us, it is a folly to sacrifice a much larger amount of duties on merchandise, which it will be the means of losing. Besides, he was opposed to it as another added to the many disproportionate and oppressive burdens already heaped upon commerce. Neither was it presumable that all the loss would fall on foreigners. Our own merchants, deprived of the opportunity of employing their capital in one way, would be driven to resort to others. It was presumable that at least in the cargoes of vessels coming to the United States, under a neutral character, American merchants will be often interested. No law; no policy forbids it. The expenses of the voyages of such vessels would fall on them, and when the amount of these in a state of war, together with the double duties, is considered, we ought to hesitate before we subject them to further exactions. This measure, though professedly in favor of American commerce, will be an accumulation of the difficulties of our merchants, and add nothing to the coffers of the Treasury.

Mr. M. said that in order to show the extent of the present exactions from foreign vessels coming here with cargoes, he would state a recent case with which he had been furnished from the port of Philadelphia. A vessel of this description brought in a cargo, the sales of which amounted to only nineteen thousand dollars, the duties and tonnage on which amounted to $10,991, leaving no more than a balance of about eight thousand dollars. Now, such is already the discrimination between foreign and American vessels, that on this small importation, it amounted to $1,260; the difference of duties $1,090, and of tonnage $170, constituting that sum.

Another view of the subject had been presented, to which he would allude. Several articles, as salt, molasses, rum, sugar, &c., were brought to this country in foreign vessels only. By this measure you are in effect laying further duties on those articles, lessening the inducements for their importation, and enhancing the price to our citizens; and this without any rational prospect of advantage to the revenue, as in all probability you derive more from the present tonnage than in future, discouraged as the trade will be by this new exaction, the increase will afford. Mr. M. said he would present one further consideration of national policy as bearing upon this subject. As the bill now stands this duty is not intended to exist during the war merely, but to be a permanent part of our revenue system. Will it be submitted to by foreign Powers without retaliation? It was not to be presumed. We are then by this useless and unprofitable proceeding on our part to invite foreign nations to enhance their demands upon our vessels going to their ports. There is surely no sound policy in this. Under an impression that no benefit would arise in any way, and much injury will be the probable consequence of the proposed addition to foreign tonnage, Mr. M. said he would move to strike out the seventh section of the bill.

The motion was opposed by Messrs. ROBERTS and BIBB, and rejected—ayes 26, noes 59.

Mr. BIBB moved to amend the sixth section, by striking out the words "salt, or with plaster of Paris," and insert the following: "articles on which no duties are imposed by law."—Carried.

Mr. CHEVES moved further to amend the fifth section, by striking out the words "or may be," and insert "now," making the penalties of the law applicable to the prohibitory laws now in force, not to those which may be hereafter enacted.—Carried.

Mr. MILNOR moved the following as a new section to the bill: "SEC. 8. *And be it enacted*, That this law shall continue in force during the present war between the United States and the United Kingdom of Great Britain and Ireland and their dependencies, and no longer."—Carried.

The bill was then ordered to be engrossed for a third reading to-morrow, and the yeas and nays being demanded by Mr. MILNOR were—yeas 67, nays 45, as follows:

YEAS—Willis Alston, jr., William Anderson, Daniel Avery, David Bard, William Barnett, Burwell Bassett, William W. Bibb, William Blackledge, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, Matthew Clay, James Cochran, John Clopton, Lewis Condict, William Crawford, Richard Cutts, Roger Davis, John Dawson, Samuel Dinsmoor, William Findley, James Fisk, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, John A. Harper, Aylett Hawes, Richard M. Johnson, William R. King, Abner Lacock, Peter Little, Aaron Lyle, Thomas Moore, Samuel McKee, Arunah Metcalf, Samuel L. Mitchill, James Morgan, Jeremiah Morrow, Hugh Nelson, Thomas Newton, Israel Pickens, William Piper, James Pleasants, jr., Benjamin Pond, Samuel Ringgold, John Rhea, John Roane, Jonathan Roberts, Ebenezer Sage, Lemuel Sawyer, Ebenezer Seaver, Adam Seybert, Samuel Shaw, George Smith, John Smith, William Strong, John Taliaferro, George M. Troup, Charles Turner, jr., Robert Whitehill, Richard Winn, and Robert Wright.

NAYS—Ezekiel Bacon, John Baker, Abijah Bigelow, Harmanus Bleecker, Elijah Brigham, Epaphroditus Champion, Langdon Cheves, Martin Chittenden, John Davenport, jr., William Ely, James Emott, Asa Fitch, Thomas R. Gold, Charles Goldsborough, Edwin Gray, Thomas P. Grosvenor, Jacob Hufty, Richard Jackson, jr., William Kennedy, Joseph Kent, Lyman Law, Joseph Lewis, jr., William Lowndes, Nathaniel Macon, James Milnor, Jonathan O. Moseley, Stephen Ormsby, Joseph Pearson, Elisha R. Potter, Josiah Quincy, William Reed, William M. Richardson, Thomas B. Robertson, William Rodman, Daniel Sheffey, Philip Stuart, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Peleg Tallman, Uri Tracy, Pierre Van Cortlandt, Laban Wheaton, Leonard White, and Thomas Wilson.

TUESDAY, February 23.

Mr. SEYBERT presented a petition of sundry inhabitants of the city and liberties of Philadelphia, natives of the United Kingdom of Great Britain and Ireland, and naturalized citizens of the United States, praying that the President may be vested with the power of retaliation in certain cases therein mentioned.—Laid on the table.

Mr. CHEVES, from the Committee of Ways and Means, reported the agreement of the Committee to the amendments proposed by the Senate to the bill "authorizing the issuing of Treasury Notes for the service of the year 1813," and the amendments were concurred in by the House.

Mr. GHOLSON, from the Committee of Claims, who was instructed, by resolution, to inquire into the expediency of making provision for compensating the militia or volunteers who may have been accepted by the Executive of the States or Territories of the United States, made a report; which was read, and the resolution therein contained concurred in by the House to wit:

Resolved, That it is inexpedient to make any additional provision for compensating the militia who have been called out, or whose services may be accepted by any of the States or Territories.

Mr. BASSETT, from the Committee on the Naval Establishment, reported a bill to compensate Hull, Bainbridge, and others; which was read twice and committed to a Committee of the Whole to-day.

Mr. BASSETT, from the same Committee, reported a bill providing pensions for disabilities on board revenue cutters; which was read twice and committed to the Committee of the Whole House on the bill allowing a bounty to privateers.

Mr. CALHOUN, from the Committee on Foreign Relations, reported the bill from the Senate "vesting in the President of the United States the power of retaliation in the cases therein specified," with amendments; which were read, and, together with the bill, committed to a Committee of the Whole to-morrow.

Mr. GRUNDY, from the committee appointed yesterday, reported a bill to alter the time for the next meeting of Congress; which was read twice, and committed to a Committee of the whole House to-day.

On motion of Mr. SEYBERT, the petition of sundry inhabitants of the city and liberties of Philadelphia, presented this day, were referred to the Committee of the Whole on the bill from the Senate vesting in the President of the United States the power of retaliation in cases therein specified.

An engrossed bill to continue in force, for a limited time, the first section of the act, entitled "An act further to protect the commerce and seamen of the United States against the Barbary Powers," was read the third time, and passed.

An engrossed bill supplementary to the acts heretofore passed upon the subject of an uniform rule of naturalization was read the third time, and passed.

An engrossed bill to alter the times of holding the District Court in the respective districts of New York and Virginia, and to authorize the District Judges to appoint Commissioners to take affidavits and bail in certain cases, was read the third time, and passed.

The SPEAKER laid before the House a memo-

rial from sundry citizens of New York, remonstrating against any change in the non-importation act.

A bill was received from the Senate, directing the Secretary of the Treasury to remit certain fines, penalties, and forfeitures, (on goods recently imported from the dependencies of Great Britain.) [This bill is the same in substance as that rejected a few days ago in this House by a very small majority.] The bill was twice read, and referred to the Committee of Ways and Means

ENFORCEMENT OF NON-IMPORTATION.

The bill for imposing an additional duty on foreign tonnage, and for enforcing the non-importation act, was read a third time.

Mr. Gold opposed it at considerable length, on the ground of opposition particularly to the last mentioned provision of the bill. This was not, he said, a proper time to enforce the non-importation act.

Mr. Robertson opposed the bill, principally on account of the provision prohibiting the delivery of goods *sub judice*, which he viewed as an oppressive measure on the mercantile interest, an innovation on established usage, and injurious to the character of our judiciary.

Mr. Calhoun replied to Mr. Gold, principally to the allegation that this was not a proper time to enforce the non-importation act. He expressed his astonishment at this sentiment coming from a gentleman who, with his political friends, had the other day voted against a partial suspension of that law. For his part, if the law was to remain in force, Mr. C. thought it the duty of every man to aid in enforcing it.

Mr. Bibb replied to the observation that the provision objected to was an innovation, &c. He took a view of the law on this subject—and showed the necessity of such a provision, in order to settle the practice in the several courts of the United States.

Mr. Gold remarked, that any defects existing in the laws might be remedied without the passage of such a law as this. In relation to the other feature of the bill, the additional duty on foreign tonnage, he observed, that he did not so much object to it, though it would in its operation be a tax on the necessary article of salt, which is almost exclusively imported in foreign bottoms.

Mr. G. moved to recommit the bill for the purpose of expunging the objectionable section.

Mr Bibb fully replied to Mr. Gold.

Mr. McKim supported the bill—explained the manner in which the present practice operated injuriously to the interests of the United States; and declared his intention to vote for the bill.

Mr. Calhoun again spoke in favor of the bill, as going rigidly to enforce the non-importation law; because, although in favor of a repeal of it, having been unable to obtain that, he was decidedly in favor of a rigorous enforcement, which was necessary to enable it to produce any pressure on the enemy.

Mr. Roberts also spoke in support of the bill. The House having refused their assent to a suspension of the law; the gentlemen on the other side having themselves one and all expressed their attachment to the measure, all ought to join in a stern and rigorous execution of it. He would not, therefore, for a moment suppose that a majority would consent to the proposed recommitment.

Mr. Gold explained the motives by which he had been actuated in voting against the proposed suspension of the non-importation. The proposed measure was not a peace-offering to commerce, but a temporary suspension for the mere sake of revenue, with an intention thereafter more firmly to rivet it on the nation, exhibiting what he termed the humiliating spectacle to the enemy of our dependence on indirect trade with her, in order to obtain a revenue.

Mr. Rhea expressed his obligation to the gentleman from New York and others on the same side of the House, for their support of the non-importation system, to which he had always been a friend from principle. Having always been a friend to it, he was now decidedly in favor of enforcing it, and therefore opposed to the proposed recommitment.

Mr. Cheves spoke in favor of recommitment, because opposed to the provision which had been so much the subject of debate. He was opposed to it because it proposed to do away in this respect what he believed a salutary principle of our jurisprudence, that a man shall be injured as little as possible before he be adjudged to be guilty. He made a number of observations, the object of which was to show that the proposed provision, transcending the inexorable character of our revenue laws, was not necessary to the due execution of the laws.

The question on recommitment of the bill was then decided in the negative. For recommitment 49, against it 65, as follows:

Yeas—Stevenson Archer, Ezekiel Bacon, John Baker, Abijah Bigelow, Harmanus Bleecker, Elijah Brigham, Epaphroditus Champion, Langdon Cheves, Martin Chittenden, John Davenport, jr., John Dawson, Samuel Dinsmoor, William Ely, James Emott, Asa Fitch, Thomas R. Gold, Charles Goldsborough, Thomas P. Grosvenor, Jacob Hufty, Richard Jackson, jr., Lyman Law, Joseph Lewis, jr., William Lowndes, Nathaniel Macon, Archibald McBryde, Samuel McKee, James Milnor, Jonathan O. Moseley, Thomas Newbold, Stephen Ormsby, Joseph Pearson, Josiah Quincy, William Reed, William M. Richardson, Thomas B. Robertson, William Rodman, Daniel Sheffey, Silas Stow, Lewis B. Sturges, George Sullivan, Samuel Taggart, Benjamin Tallmadge, Peleg Tallman, Uri Tracy, Charles Turner, jr., Pierre Van Cortlandt, jr., Laban Wheaton, Leonard White, and Thomas Wilson—49.

Nays—Willis Alston, jr., William Anderson, Daniel Avery, David Bard, William Barnett, Burwell Bassett, William W. Bibb, William Blackledge, Adam Boyd, Robert Brown, William Butler, John C. Calhoun, Matthew Clay, James Cochran, John Clopton, Lewis Condict, William Crawford, Richard Cutts, Roger Davis, Joseph Desha, William Findley, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, John A. Harper, Aylett Hawes, John M. Hyneman,

William Kennedy, William R. King, Peter Little, Aaron Lyle, Thomas Moore, William McCoy, Alexander McKim, Arunah Metcalf, James Morgan, Jeremiah Morrow, Hugh Nelson, Anthony New, Thomas Newton, Israel Pickens, William Piper, James Pleasants, junior, Benjamin Pond, Samuel Ringgold, John Rhea, John Roane, Jonathan Roberts, Ebenezer Sage, Lemuel Sawyer, Ebenezer Seaver, John Sevier, Adam Seybert, George Smith, John Smith, Richard Stanford, William Strong, John Taliaferro, George M. Troup, Robert Whitehill, and Robert Wright—65.

The bill was then passed by about the same majority.

Ordered, That the title be, "An act forbidding the restoration of goods, wares, and merchandise, seized or libelled under any law forbidding the importation thereof; laying an additional duty on foreign tonnage, and providing for the unlading of articles on which no duty is imposed, under the inspection of an officer of the customs."

THE FRIGATE CONSTITUTION.

The House resolved itself into a Committee of the Whole on the bill, reported by the Naval Committee this morning, to compensate the officers and crew of the United States' frigate Constitution for the destruction of the British frigates Guerriere and Java. [This bill provides that —— dollars shall be paid out of the Treasury to Captain Hull and the officers and crew of the Constitution frigate, and a like sum to Captain Bainbridge and his crew, for their two gallant achievements; and appropriates a sum of —— dollars therefor.]

Mr. BASSETT moved to fill the first blank with fifty thousand dollars.

After some conversation between Messrs. BASSETT, ELY, STOW, and MILNOR, on the propriety of making a general instead of a special provision on this head, as recommended by the President, the question on filling the first blank with fifty thousand dollars was carried in the affirmative, ayes 60.

The second blank was then filled with one hundred thousand dollars.

The Committee rose and reported the bill; and the amendments were concurred in.

Mr. ALSTON renewed a motion, which he had ineffectually offered in the Committee, to amend the bill by adding a provision for the payment of the sum appropriated in this bill out of such fund as shall have accrued from prizes.

This motion was opposed by Mr. BASSETT, Mr. QUINCY, and Mr. MILNOR, on the ground that the proceeds of prizes were already pledged for the establishment of a pension fund for decrepit and disabled seamen.

The motion was negatived by yeas and nays, as follows:—for the motion 37, against it 70:

YEAS—Willis Alston, jun., David Bard, William Barnett, Robert Brown, William Butler, Francis Carr, Matthew Clay, James Cochran, William Crawford, Richard Cutts, Roger Davis, William Findley, James Fisk, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Felix Grundy, Bolling Hall, Obed Hall, Aylett Hawes, John M. Hyneman, Richard M. Johnson, William Kennedy, Abner Lacock, Aaron Lyle, Thomas Moore, William McCoy, Thomas Newbold, Stephen Ormsby, William Piper, Jonathan Roberts, Ebenezer Seaver, Samuel Shaw, George Smith, Richard Stanford, John Taliaferro, Robert Whitehill—37.

NAYS—William Anderson, Stevenson Archer, Ezekiel Bacon, John Baker, Burwell Bassett, William W. Bibb, Abijah Bigelow, William Blackledge, Harmanus Bleecker, Adam Boyd, Elijah Brigham, William A. Burwell, John C. Calhoun, Langdon Cheves, Martin Chittenden, John Clopton, Lewis Condict, John Davenport, junior, John Dawson, Samuel Dinsmoor, Elias Earle, William Ely, James Emott, Asa Fitch, Thomas R. Gold, Isaiah L. Green, Thomas P. Grosvenor, John A. Harper, Richard Jackson, junior, Joseph Kent, William R. King, Lyman Law, Joseph Lewis, jr., Peter Little, Nathaniel Macon, Alexander McKim, James Milnor, Samuel L. Mitchill, James Morgan, Jeremiah Morrow, Jonathan O. Moseley, Hugh Nelson, Thomas Newton, Joseph Pearson, Israel Pickens, James Pleasants, jr., Josiah Quincy, William Reed, Samuel Ringgold, John Roane, Thomas B. Robertson, William Rodman, Thomas Sammons, Lemuel Sawyer, John Sevier, Adam Seybert, Daniel Sheffey, John Smith, Silas Stow, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Peleg Tallman, Uri Tracy, Charles Turner, jr., Pierre Van Cortlandt, Laban Wheaton, Leonard White, Thomas Wilson and Robert Wright—70.

The bill was then ordered to be engrossed, and read a third time.

EXTRA SESSION.

On motion of Mr. GRUNDY, the House resolved itself into a Committee of the Whole, on the bill to alter the time of the next meeting of Congress.

Mr. GRUNDY moved to fix the day for the 4th Monday in May.

Mr. GHOLSON wished an earlier day.

Mr. PICKENS stated the situation of North Carolina, which would preclude her from returning members to this House before the time moved by the gentleman from Tennessee.

Mr. ROBERTS opposed the motion for so early a day; he did not believe it necessary to meet at so early a day for the purpose of laying taxes. He moved to fix on the first Monday in October.

Mr. GRUNDY spoke in support of his motion as necessary to the public service; and enforced his opinion by arguments drawn from the necessity of imposing taxes or devising other revenue for the support of Government.

Mr. JOHNSON was opposed to meeting before October next, because an earlier session was unnecessary for raising a revenue for 1814. If the tax bills were passed before the 1st of January, 1814, he said they would be in time to produce the necessary revenue for that year. An earlier meeting would embarrass rather than assist the operations of the Government.

After Mr. JOHNSON sat down, the Committee rose, reported progress and obtained leave to sit again.

WEDNESDAY, February 24.

Mr. MORROW, from the Committee on the Public Lands, reported a bill directing evidence to be received on certain claims to land in the Mississippi Territory; which was read twice and or-

dered to be engrossed, and read the third time to-morrow.

A message from the Senate informed the House that the Senate have passed the bill "giving further time to purchasers of public lands to complete their payments," with amendments. The Senate have concurred in the amendments of this House, "giving further time for registering claims to lands in the eastern district of the Territory of Orleans, now State of Louisiana," with amendments; in all which amendments they desire the concurrence of this House.

FOREIGN LICENSES.

The House resolved itself into a Committee of the Whole on the bill to prohibit the use of foreign licenses.

On motion of Mr. Newton, the bill received many amendments. And, on the question of the Committee's reporting the bill—

Mr. Wright spoke against the bill at considerable length, as tending, by cutting off our export trade, to cripple the agriculture of the country.

Mr. Newton replied, and defended the bill on principles of general policy, the purity of commerce, and the general good.

Mr. Blackledge spoke warmly in support of the bill, as going to preclude the enemy from collecting a revenue from our commerce.

Mr. Nelson spoke in reprobation of the license trade, in reply to Mr. Wright, and in support of the bill. He expressed his ardent hope that a law would pass to put an end to so disgraceful a trade.

The Committee rose, and reported the bill; which was ordered to lie on the table.

THE FRIGATE CONSTITUTION.

The bill making compensation to the officers and crew of the frigate Constitution for the destruction of the British frigates Guerriere and Java, was read a third time and passed, by yeas and nays. For the bill 61, against the bill 39, as follows:

Yeas—William Anderson, Stevenson Archer, Daniel Avery, Ezekiel Bacon, John Baker, Burwell Bassett, Abijah Bigelow, William Blackledge, John C. Calhoun, Langdon Cheves, John Clopton, Richard Cutts, John Davenport, jun., John Dawson, James Emott, William Findley, Asa Fitch, Thomas Gholson, Felix Grundy, Aylett Hawes, Richard Jackson, junior, Richard M. Johnson, William Kennedy, Joseph Kent, Lyman Law, Peter Little, William Lowndes, Alexander McKim, James Milnor, Samuel L. Mitchill, Jonathan O. Moseley, Hugh Nelson, Thomas Newton, Israel Pickens, William Piper, James Pleasants, jun., Josiah Quincy, John Randolph, William Reed, William M. Richardson, William Rodman, Ebenezer Sage, Thomas Sammons, Lemuel Sawyer, Adam Seybert, George Smith, John Smith, Richard Stanford, Philip Stuart, Silas Stow, Lewis B. Sturges, John Taliaferro, Benjamin Tallmadge, Peleg Tallman, Uri Tracy, George M. Troup, Charles Turner, junior, Leonard White, Thomas Wilson, Richard Winn, and Robert Wright—61.

Nays—Willis Alston, jr., William Barnett, William W. Bibb, Adam Boyd, Elijah Brigham, Robert Brown, William Butler, Epaphroditus Champion, Martin Chittenden, Matthew Clay, James Cochran, Roger Davis, Joseph Desha, Samuel Dinsmoor, Elias Earle, William Ely, Peterson Goodwyn, Bolling Hall, Obed Hall, John A. Harper, Jacob Hufty, John M. Hyneman, Abner Lacock, Joseph Lewis, jr., Nathaniel Macon, Samuel McKee, Arunah Metcalf, James Morgan, Jeremiah Morrow, Thomas Newbold, Stephen Ormsby, Benjamin Pond, Elisha R. Potter, John Roane, Jonathan Roberts, Ebenezer Seaver, Samuel Shaw, William Strong, and David R. Williams—39.

Some conversation took place on the phraseology proper for the title of the bill. Mr. Bacon moved to amend the title, so as to read "an act making compensation to the officers and crew of the frigate Constitution for *their loss sustained in the destruction* of the British frigates Guerriere and Java." Mr. Desha moved to amend the title, so as to substitute for the words in italic, the words "*the capture*,"—Motion lost, ayes 37. Mr. Bacon's motion was negatived by a small majority. The following title was at length agreed to—46 to 39: "An act rewarding the officers and crew of the frigate Constitution."

ORDER IN COUNCIL.

The following Message was received from the President of the United States:

To the Senate and House of
Representatives of the United States:

I lay before Congress copies of a proclamation of the British Lieutenant Governor of the island of Bermuda, which has appeared under circumstances leaving no doubt of its authenticity. It recites a British Order in Council of the 26th of October last, providing for the supply of the British West Indies and other colonial possessions, by a trade under special licenses; and is accompanied by a circular instruction to the Colonial Governors, which confines licensed importations from ports of the United States, to the ports of the Eastern States, exclusively.

The Government of Great Britain had already introduced into her commerce during war, a system, which, at once violating the rights of other nations, and resting on a mass of forgery and perjury unknown to other times, was making an unfortunate progress in undermining those principles of morality and religion which are the best foundation of national happiness.

The policy now proclaimed to the world, introduces into her modes of warfare a system equally distinguished by the deformity of its features, and the depravity of its character; having for its object to dissolve the ties of allegiance and the sentiments of loyalty in the adversary nation, and to seduce and separate its component parts, the one from the other.

The general tendency of these demoralizing and disorganizing contrivances will be reprobated by the civilized and Christian world; and the insulting attempt on the virtue, the honor, the patriotism, and the fidelity of our brethren of the Eastern States, will not fail to call forth all their indignation and resentment, and to attach more and more all the States to that happy Union and Constitution, against which such insidious and malignant artifices are directed.

The better to guard, nevertheless, against the effect of individual cupidity and treachery, and to turn the corrupt projects of the enemy against himself, I recommend to the consideration of Congress the expediency of an effectual prohibition of any trade whatever, by

citizens or inhabitants of the United States, under special licenses, whether relating to persons or ports; and, in aid thereof, a prohibition of all exportations from the United States in foreign bottoms—few of which are actually employed—whilst multiplying counterfeits of their flags and papers are covering and encouraging the navigation of the enemy.

JAMES MADISON.

FEBRUARY 24, 1813.

The following is the document referred to in the Message:

BERMUDA, alias *Somer Islands:*

By his Excellency, Brigadier General George Horsford, Lieutenant Governor and Commander-in-Chief in and over these Islands, &c.

A PROCLAMATION.

Whereas I have received a copy of His Royal Highness the Prince Regent's Order in Council, bearing date at the Court at Carlton House, the 26th October, 1812, which order is in the words following, viz: "Whereas, during the late and present war, emergencies have at various times arisen essentially affecting the necessary supply of the British West India islands, and of lands and territories belonging to His Majesty on the continent of South America, and it has been found expedient and necessary for the trade and commerce of said islands, lands, &c, and for the support of the inhabitants thereof, further to extend, for a limited time, the importation into, and exportation from, the said islands, lands, and territories, His Royal Highness the Prince Regent, in the name and on behalf of His Majesty, is pleased, by and with the advice of His Majesty's Privy Council, to authorize and empower the Governor or Lieutenant Governor of any of the islands or territories in the West Indies, (in which description the Bahama islands and the Bermuda or Somer islands are included,) and of any of the lands or territories on the continent of South America, to His Majesty belonging; and they are hereby respectfully authorized and empowered to permit, until the 30th day of June, 1813, the importation into the said islands, lands, and territories, respectively, of staves and lumber, horses, mules, asses, neat cattle, sheep, hogs, and every other species of live stock, and live provisions, and also of every other kind of provisions whatsoever, (beef, butter, pork, salted, dried, and pickled fish, excepted,) in any unarmed ship or vessel not belonging to France, or to the subjects or inhabitants thereof, or of any port or place annexed to the territories of France under the license of the said respective Governors or Lieutenant Governors, which are hereby empowered to grant, in His Majesty's name, subject to such instructions as His Royal Highness the Prince Regent, in the name and on the behalf of His Majesty, shall, from time to time, think fit to issue, to be signified by one of His Majesty's Principal Secretaries of State; and also to permit, under licenses to be granted as aforesaid, the exportation from the said islands, lands, and territories, into which such importation as aforesaid shall be made, and in the ships aforesaid in which such importations shall have been made, of rum and molasses, and of any other goods and commodities whatsoever, except sugar, indigo, cotton, wool, coffee, and cocoa: *Provided*, That such ships or vessels shall duly enter into, report, and deliver, their respective cargoes, and reload at such ports only where regular custom-houses shall have been established. But, it is His Royal Highness's pleasure, nevertheless, and His Royal Highness, in the name and on behalf of His Majesty, and by and with the advice aforesaid, is pleased to order, and it is hereby ordered, that nothing herein before contained shall be construed to permit the importation of staves, lumber, horses, mules, asses, neat cattle, sheep, hogs, poultry, live stock, live provisions, or any kind of provisions whatsoever, as aforesaid, into any of the said islands, lands, or territories, in which there shall not, at the time when such articles shall be brought for importation, be levied the following duties on such articles of the growth or produce of the United States of America, namely:

	£	s.	d.
On wheat flour, per bbl., not weighing more than 196 pounds, net weight	0	5	8
On bread or biscuit, of wheat flour, or any other grain, per barrel, not exceeding more than 100 pounds weight	0	3	4
On bread, for every 100 pounds, made from wheat or any other grain whatever, imported in bags or other packages than barrels, weighing as aforesaid	0	3	4
On flour or meal made from rye, peas, beans, Indian corn, or other grain than wheat, per barrel, not weighing more than 196 pounds	0	3	4
On peas, beans, rye, Indian corn, calivances, or other grain, per bushel	0	0	10
On rice, for every 100 pounds, net weight, and so in proportion for a less or larger quantity	0	3	4
On shingles, called *Boston chips*, not more than 12 inches in length, per thousand	0	3	4
On shingles, being more than one foot in length, per thousand	0	6	8
For every 1,200 (commonly called 1,000) red oak staves	1	0	0
For every 1,200 (commonly called 1,000) white oak staves, and for every 1,000 pieces of heading	0	15	0
For every 1,000 feet of white or yellow pine lumber, of all descriptions	0	10	0
For every 1,000 feet of pitch pine lumber	0	15	0
For all other kinds of wood or timber, not before enumerated	0	15	0
For every 1,000 wood hoops	0	5	0
And in proportion for a less or larger quantity of all and every of the articles enumerated.			
Horses, neat cattle, and other live stock, for every £100 of the value thereof, at the port or at the place of importation	10	0	0

And whereas I have deemed it expedient and necessary to make known and publish the same within my His Majesty's Government, I do therefore issue this my proclamation, to the end that all persons whom it doth or may concern, being duly apprized thereof, may govern themselves accordingly.

Given under my hand and the great seal of the Islands, this 14th day of January, 1813, and in the 53d year of His Majesty's reign.

GEORGE HORSFORD.

By his Excellency's command:

ROBERT KENNEDY.

God save the King.

(*Circular.*)

DOWNING STREET, *Nov.* 9, 1812.

SIR: I have the honor of enclosing an Order of Council, which has been judged expedient to issue, in

consequence of the existing hostilities between His Majesty and the United States of America, By this order you are authorized to grant licenses for the importation of certain articles enumerated in the order, and for the exportation of certain articles also enumerated in the same order, in the ships in which the importation shall be made.

This intercourse is to be subject to the condition stated in the order, and such instructions as you may from time to time receive from one of His Majesty's principal Secretaries of State. I am commanded by His Royal Highness the Prince Regent, to signify to you that in granting the licenses for the importation of the above-enumerated articles you take care that the articles so to be imported be severally enumerated in the body of the license, that the port or place from whence the importation is to be made, and the port to which the vessel is bound, be also inserted in the body of the license.

That if the person applying for the license, shall not be able to state the name of the vessel on board of which the proposed importation is to be made, the condition of the license should be that the name of the vessel, the name of the master, her tonnage, and her national character, be endorsed on the license, on quitting her port of clearance, and that the condition of her license should also be, that she proceed direct for the port of her destination.

Although the Order in Council authorizes you to permit the importations of the enumerated articles in any vessels not French, you will not grant these licenses to any except to vessels in amity with His Majesty, unless you are convinced that the island will be exposed to serious embarrassments by so confining the importation in question.

Whatever importations are proposed to be made under the order, from the United States of America, should be by your licenses confined to the ports in the Eastern States exclusively, unless you have reason to suppose that the object of the order would not be fulfilled if licenses are not also granted for importations from the other ports in the United States.

With respect to the licenses for exportation on board the vessels in which an importation shall have been previously made, you will observe that the order does not require that the port of destination in such case shall be the same as that from whence the importation had been made, but you will take care that in the body of the license be inserted the name of the vessel, her tonnage, the name of the master, and her national character, the port of clearance and the port of destination; and that the cargo be described in the body of the license, according to the words of the order, viz: rum, molasses, or any other goods and commodities whatever, except sugar, indigo, cotton, wool, coffee, and cocoa.

You will take care that the term of the import license does not exceed the term of the order on which it is granted, and that you do not issue any license for exportation under this order, after that period.

The fee payable for each license is not in any case to exceed the sum of one pound one shilling.

I have the honor to be, sir, your most obedient humble servant.

To Lieut. Gov. Harcourt, &c.

The Message and accompanying document were referred to the Committee on Foreign Relations.

EXTRA SESSION.

The House went into Committee of the Whole on the bill to alter the time of the next meeting of Congress—a motion being under consideration to fix on the fourth Monday in October.

Mr. Grundy spoke in reply to some observations of Mr. Johnson (on yesterday) in favor of that day. Mr. G. was decidedly in favor of meeting in May; he believed it necessary to the support of public credit that the House should meet in May. Had not the Committee of Ways and Means first taught him that an early session was necessary with that view, if revenue should not, as it would not, be provided at this session, he should not have been found advocating an extra session. The House had been told by their financial committee, that it was indispensably necessary forthwith to provide a revenue; and that a paper system, without a foundation of permanent revenue, would involve the nation in disgrace or irretrievable ruin. Mr. G. quoted various reports of the Committee of Ways and Means to show that they had made such statements. With these facts staring him in the face, how could he do otherwise than urge an early session? If it was indispensably necessary a day or two ago to provide a revenue, what had since occurred obviating that necessity? Nothing. War had been declared, and it was the duty of those who declared it to provide the ways and means for carrying it on. Mr. G. protested against the idea which had been advanced of giving enormous interest for loans, and against accumulating a large debt, almost without the knowledge of the people on whom it would be saddled, and expressed his determination, as far as lay in his power, to go on and provide the ways and means.

Mr. Johnson rose to explain. He had said yesterday, that if money could not be had for six per cent., he would, rather than cease the contest on that account, give sixteen per cent., or as far as the whole property of the nation would extend; because he considered it to involve principles on which the existence of the nation depended. If money was wanting, the people would clothe themselves and fight without pay. But money was not wanting. The gentleman had admitted that taxes to be levied in May, if Congress then met, would not be wanted until 1814. Mr. J. contended that they might be laid in the autumnal session in ample time for 1814. Why, then, meet earlier?

Mr. Bibb said, that the Committee had reported that it was necessary to provide a permanent revenue to a certain amount for the service of the year 1814. If the next meeting of Congress were delayed until October, he did not believe the taxes could be levied in due season. In support of this belief, he adduced various considerations, among which was the inexpediency of delaying the imposition of taxes until the farmers of the country had disposed of the annual proceeds of their labor, without making provision for the payment of the necessary taxes. Nothing, he said, had turned up to change the opinion

the Committee of Ways and Means had first expressed on this subject; the necessary revenue bills could not be passed at this session; and he was, therefore, in favor of an early session.

Mr. ROBERTS said, subsequent reflection had convinced him that the motion which he had yesterday made for October was perfectly proper, though he felt no anxiety on the subject, and should cheerfully acquiesce in any decision in favor of an earlier day. The gentleman who was last up had quoted the opinion of the Committee of Ways and Means. It appeared that there was, as very naturally there might be, a difference of opinion among the members of the Committee of Ways and Means on this subject. The opinion he had formed, Mr. R. said, was founded on documents before the House. He believed that, for the present year, sufficient security was given to the public creditors, an ample permanent revenue having been provided; and that there would be time, in a session, to commence in October, to provide revenue for 1814. He dwelt on the expense and inconvenience of an extra session, &c., which he could not but think unnecessary.

Mr. CHEVES said, he was tired; tired of endeavors to provide a fixed revenue; but he was compelled once more to rise to explain his view of this subject. He hoped he had never been understood to say, for he never meant to say, that the present revenue would be sufficient for the support of the credit of the Government for the year 1813, unconnected with a provision for future years. The provision actually made was sufficient for the year 1813. But it was his opinion that there ought to be a further provision in the year 1813, and, at as early a period as possible, in order to support the public credit for that year. His opinion was, that we ought to provide a revenue for 1814 and subsequent years, in time to produce the effect of giving confidence to the public credit. Mr. C. said he should, therefore, vote for an early session, because, without it, he did not believe that the public credit would be duly supported.

Mr. PLEASANTS said he wanted words to describe the repugnance he felt at the idea that the public credit, which had been maintained unimpaired from the commencement of the Government to this day, should be injured in the smallest degree, while, from the partiality of his fellow-citizens, he was placed here as one of its guardians. If time were permitted in this session, before its Constitutional termination, he would sit here from morning to 12 o'clock every night, but he would mature a system for securing to the utmost that credit. But time was not permitted. Under these circumstances what ought Congress to do? To assemble here as early as possible after the termination of this session, and mature a system to provide the necessary revenue. He had always been of the opinion, for himself, that it was the duty of Congress to have matured a system of taxes at this session. It had been stated, that at least eight and a half millions of revenue would be necessary in 1814, in addition to the revenue now provided, on the principles on which we had gone into the war. He did not believe this money could be brought into the Treasury by any provision to be made in October. Personal convenience of the members, and considerations of expense, must yield to others of greater magnitude. The expense of the per diem allowance ought not to be taken into consideration, because so many days as the House should sit in the Spring would be cut off from the Winter session, &c.

Mr. BIGELOW said he felt no responsibility himself on the subject of taxation; he had no hand in making a resort to taxation necessary. He did not know that he should vote for a session on either day proposed, but he rose to state a fact to show the utter impossibility of a collection of taxes in 1814, which should be laid next October. An act was passed in 1798, laying a direct tax of two millions. The first year in which any proceeds from it came into the Treasury was 1800, in which year something upwards of seven hundred thousand dollars only was received; in 1801, $500,000 more were received; and in every year since something had been received on account of that tax laid in 1798. The internal taxes had produced a result something similar. He had barely stated this fact to show that it would be impossible in October to lay a tax to produce a revenue.

Mr. WRIGHT opposed an early session. He could not see how it could be necessary in May to lay taxes, which it had not been thought proper to propose at the present session. What had occurred, or what would occur, he asked, to make them necessary in May, if they were not necessary now? Why lay taxes in 1813, if they were not necessary till 1814? He was opposed to an unnecessary convocation of Congress, and it also seemed to him not to be necessary.

The question was then taken on the day for the meeting of Congress, and decided in favor of *the fourth Monday in May*—49 to 39—and the bill was so passed—yeas 78, nays 33, as follows:

YEAS—William Anderson, Stevenson Archer, Ezekiel Bacon, David Bard, William Barnett, Burwell Bassett, William W. Bibb, Wm. Blackledge, Elijah Brigham, William Butler, John C. Calhoun, Epaphroditus Champion, Langdon Cheves, Matthew Clay, John Clopton, Lewis Condict, William Crawford, John Davenport, jun., John Dawson, Elias Earle, William Ely, James Emott, Wm. Findley, James Fisk, Thos. Gholson, Charles Goldsborough, Peterson Goodwyn, Felix Grundy, Bolling Hall, Aylett Hawes, Obed Hall, John M. Hyneman, William Kennedy, William R. King, Abner Lacock, Peter Little, William Lowndes, Aaron Lyle, Thomas Moore, William McCoy, Samuel McKee, Alexander McKim, James Morgan, Jeremiah Morrow, Jonathan O. Moseley, Hugh Nelson, Thomas Newbold, Thomas Newton, Stephen Ormsby, Israel Pickens, William Piper, James Pleasants, junior, Peter B. Porter, Elisha R. Potter, Josiah Quincy, William Reed, William M. Richardson, Samuel Ringgold, John Rhea, John Roane, Jonathan Roberts, William Rodman, Thomas B. Robertson, Lemuel Sawyer, John Sevier, Adam Seybert, George Smith, John Smith, Lewis B. Sturges, Samuel Taggart, John

Taliaferro, Peleg Tallman, George M. Troup, Charles Turner, jr., Leonard White, Robert Whitehill, David R. Williams, and Richard Winn.

Nays—John Baker, Harmanus Bleecker, Adam Boyd, Robert Brown, William A. Burwell, Francis Carr, Martin Chittenden, Roger Davis, Joseph Desha, Samuel Dinsmoor, Asa Fitch, Isaiah L. Green, Thos. P. Grosvenor, John A. Harper, Richard Jackson, jun., Jos. Kent, Joseph Lewis, jr., Arunah Metcalf, Joseph Pearson, Benjamin Pond, John Randolph, Ebenezer Sage, Thomas Sammons, Daniel Sheffey, Richard Stanford, Philip Stuart, Silas Stow, William Strong, Benjamin Tallmadge, Uri Tracy, Laban Wheaton, Thomas Wilson, and Robt. Wright.

Thursday, February 25.

Mr. Cheves, from the Committee of Ways and Means, reported the bill from the Senate "directing the Secretary of the Treasury to remit certain fines, penalties, and forfeitures therein mentioned," without amendment. The bill was then committed to a Committee of the Whole to-day.

On motion of Mr. Calhoun, the Committee of the Whole were discharged from the consideration of the bill "vesting in the President of the United States the power of retaliation in certain cases," and the bill was recommitted to the Committee of Foreign Relations.

Mr. Poindexter, from a select committee, reported a bill to repeal in part an act, entitled "An act to divide the Indiana Territory into two separate governments, and for other purposes," which was read twice, and committed to a Committee of the Whole to-morrow.

An engrossed bill directing evidence to be received on certain claims to land in the Mississippi Territory, was read the third time, amended by unanimous consent, and passed.

The amendments proposed by the Senate to the bill "giving further time to the purchasers of public lands to complete their payments," were read, and referred to the Committee on the Public Lands.

The amendments proposed by the Senate to the amendments of this House to the bill "allowing further time for registering the claims to land in the Eastern district of the Territory of Orleans, now State of Louisiana," were read, and concurred in by the House.

A message from the Senate informed the House that the Senate have passed several bills, to wit: "An act to encourage the destruction of the armed vessels of war of the enemy;" "An act to authorize and empower the president and managers of the Washington Turnpike Company, of the State of Maryland, when organized, to extend and make their turnpike road to, or from Georgetown, in the District of Columbia, through the said District, to the line thereof;" "An act supplementary to an act, entitled 'An act to authorize the making a turnpike from Mason's causeway, to the town of Alexandria;" "An act for the relief of Nathaniel G. Ingraham, Alexander Phœnix, and William Nexsen, jr.;" "An act to establish certain post roads in the State of Louisiana;" "An act for the relief of the representatives of Samuel Lapsley, deceased;" in all which bills they desire the concurrence of this House.

The bill for releasing John McMaster from his confinement, for violating the embargo laws, passed through a Committee of the Whole, and was, on motion, indefinitely postponed.

MERCHANTS' BONDS.

On motion of Mr. Cheves, the House went into Committee of the Whole on the bill from the Senate authorizing the Secretary of the Treasury to remit certain fines, forfeitures, and penalties.

Mr. Cheves offered the following additional section by way of amendment:

Sec. —. *And be it further enacted*, That, on application being made to the proper district judge for a remission of any fine, penalty, or forfeiture, directed to be remitted by the act, entitled "An act directing the Secretary of the Treasury to remit fines, forfeitures, and penalties, in certain cases," and the act, entitled "An act authorizing the admission, under certain circumstances, of vessels owned by citizens of the United States of America, with their cargoes, from British ports beyond the Cape of Good Hope," if it shall appear to his satisfaction that the case is entitled to the benefits of the acts aforesaid, and embraced by the provisions thereof, such fine, penalty, or forfeiture, shall be remitted, and the prosecution instituted for the recovery thereof shall be discontinued, on the order of said judge to that effect, on payment of costs and duties, in the manner prescribed by the act under which the application shall have been made.

After some discussion on this amendment, the question was taken on it and decided in the negative, yeas 33.

A motion was then made by Mr. Rhea to strike out the first section of the bill, with a view to try its principle.

The motion produced considerable discussion, in which Messrs. Williams and Wright supported the motion, and Messrs. Cheves, Bibb, Mitchill, Bleecker, and Reed opposed it. The motion was finally lost, 55 to 41.

The question then recurred on a motion previously made to strike out of the first section, the words "which were shipped from Great Britain prior to the declaration of war," which motion, affording relief, was intended to destroy the provision to the particular case which produced the bill.

Mr. Williams stated that the case on which the bill was predicated was not an isolated one, as had been stated, but that, if the bill was passed, there were many others which would claim relief under its provisions.

The motion to amend was opposed by Mr Bacon and Mr. Fisk, and lost, 54 to 53.

The Committee then rose and reported the bill to the House.

Mr. Rhea renewed his motion for striking out the first section of the bill.

This motion again involved a discussion of the principles of the bill, which was continued some time, in which Messrs. McKim and Roberts

spoke in favor of striking out the section, and Mr. CHEVES against it.

The question on striking out the first section was taken by yeas and nays, and decided in the negative. For striking out the section 54, against it 61, as follows:

NAYS—William Anderson, David Bard, William Barnett, Burwell Bassett, William W. Bibb, William Blackledge, Robert Brown, William A. Burwell, William Butler, Jas. Cochran, John Clopton, Lewis Condict, Wm. Crawford, Roger Davis, John Dawson, Joseph Desha, Samuel Dinsmoor, Elias Earle, William Findley, Meshack Franklin, Thos. Gholson, Peterson Goodwyn, Isaiah L. Green, Bolling Hall, Obed Hall, Aylett Hawes, John M. Hyneman, Richard M. Johnson, William R. King, Abner Lacock, Peter Little, Aaron Lyle, Thomas Moore, William McCoy, Alexander McKim, Arunah Metcalf, James Morgan, Thomas Newton, William Piper, John Rhea, John Roane, Jonathan Roberts, Ebenezer Sage, Lemuel Sawyer, Ebenezer Seaver, Samuel Shaw, George Smith, John Smith, Wm. Strong, John Taliaferro, Robert Whitehill, David R. Williams, Richard Winn, and Robert Wright—54.

YEAS—Willis Alston, jr., Stevenson Archer, Ezekiel Bacon, John Baker, Abijah Bigelow, Harmanus Bleecker, Adam Boyd, Elijah Brigham, John C. Calhoun, Epaphroditus Champion, Langdon Cheves, Martin Chittenden, John Davenport, jun., William Ely, James Emott, Asa Fitch, Thomas R. Gold, Charles Goldsborough, Thomas B. Grosvenor, Jacob Hufty, Richard Jackson, jr., William Kennedy, Joseph Kent, Lyman Law, Joseph Lewis, junior, William Lowndes, Archibald McBryde, Samuel McKee, James Milnor, Samuel L. Mitchill, Jonathan O. Moseley, Hugh Nelson, Thomas Newbold, Joseph Pearson, Timothy Pitkin, jun., James Pleasants, jun., Benjamin Pond, Peter B. Porter, Elisha R. Potter, Josiah Quincy, John Randolph, William Reed, William M. Richardson, Thomas B. Robertson, William Rodman, Thomas Sammons, Adam Seybert, Daniel Sheffey, Richard Stanford, Philip Stuart, Silas Stow, Lewis B. Sturges, George Sullivan, Samuel Taggart, Benjamin Tallmadge, Uri Tracy, George M. Troup, Charles Turner, jun., Pierre Van Cortlandt, Laban Wheaton, and Thomas Wilson—61.

Mr. ROBERTS moved to amend the bill so as to place the goods intended to be released by this bill upon the same footing, as to the duties accruing to Government, as those goods imported since the declaration of war.

This motion produced considerable discussion; in which it was contended, in favor of exacting the double duties, that the goods were very probably now on hand, or had been sold under the same advantages for obtaining high prices as other goods since imported; and that they ought to afford the same revenue to the Government. Against the amendment, it was argued that as the goods were shipped before the declaration of war, and before double duties were imposed by law, it would be unjust to exact the double duties on them.

Mr. ROBERTS'S motion was lost, without a division.

The bill was then ordered to be engrossed and read a third time to-day.

The bill was accordingly read a third time, and passed by yeas and nays, as follows: For the bill 57—against it 45:

YEAS—Willis Alston, jr., Stevenson Archer, Ezekiel Bacon, John Baker, Abijah Bigelow, Harmanus Bleecker, Elijah Brigham, Epaphroditus Champion, Langdon Cheves, Martin Chittenden, John Davenport, jr., William Ely, James Emott, James Fisk, Asa Fitch, Thomas R. Gold, Charles Goldsborough, Thomas P. Grosvenor, Jacob Hufty, Richard Jackson, jr., William Kennedy, Joseph Kent, Lyman Law, Joseph Lewis, jr., William Lowndes, Archibald McBryde, James Milnor, Samuel L. Mitchill, Jonathan O. Moseley, Hugh Nelson, Thomas Newbold, Joseph Pearson, Timothy Pitkin, junior, James Pleasants, jr., Peter B. Porter, Elisha R. Potter, Josiah Quincy, John Randolph, William Reed, William M. Richardson, Thomas B. Robertson, William Rodman, Thomas Sammons, Daniel Sheffey, Richard Stanford, Philip Stuart, Silas Stow, Lewis B. Sturges, George Sullivan, Samuel Taggart, Benjamin Tallmadge, Uri Tracy, Charles Turner, jr., Pierre Van Cortlandt, Laban Wheaton, Leonard White, and Thomas Wilson—57.

NAYS—William Anderson, Burwell Bassett, William Blackledge, Robert Brown, William A. Burwell, William Butler, James Cochran, John Clopton, Lewis Condict, William Crawford, John Dawson, Joseph Desha, Samuel Dinsmoor, Elias Earle, William Findley, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, Aylett Hawes, William R. King, Abner Lacock, Peter Little, Aaron Lyle, Thomas Moore, William McCoy, Alexander McKim, James Morgan, Jeremiah Morrow, Thomas Newton, Israel Pickens, William Piper, John Rhea, John Roane, Jonathan Roberts, Ebenezer Sage, George Smith, John Smith, William Strong, John Taliaferro, David R. Williams, and Robert Wright—45.

FRIDAY, February 26.

The SPEAKER presented the petition of the crew of the frigate Constitution, praying compensation for capturing the British frigates Guerriere and Java.—Laid on the table.

Mr. GHOLSON, from the Committee of Claims, presented a bill concerning invalid pensioners; which was read twice and committed to a Committee of the Whole to-morrow.

Mr. MORROW, from the Committee on Public Lands, reported the agreement of that committee to the amendment of the Senate, to the bill "giving further time to purchasers of public lands to complete their payments," with an amendment; which was concurred in by the House.

On motion of Mr. CALHOUN, the Committee on Foreign Relations were discharged from so much of the President's Message, of the 23d instant, as relates to the license trade on board of American vessels.

The bill from the Senate "to establish certain post roads in the State of Louisiana" was read twice and ordered to be read the third time to-day. The bill was accordingly read the third time, and passed.

The bill from the Senate "for the relief of Nathaniel G. Ingraham, Alexander Phœnix, and William Nexsen, junior," was read twice and

committed to the Committee of Ways and Means.

A bill from the Senate "for the relief of the representatives of Samuel Lapsley, deceased," was read twice and committed to the Committee of the Whole on the bill for the relief of the legal representatives of George Nebinger, and others."

The bill from the Senate "supplementary to an act, entitled 'An act to authorize the making a turnpike road from Mason's causeway to the town of Alexandria,'" was read twice and referred to the Committee for the District of Columbia.

The amendment of the Senate to the bill "in addition to the act regulating the Post Office Establishment" was read, and concurred in by the House.

The bill from the Senate to authorize and empower the President and Managers of the Washington Turnpike Company of the State of Maryland, when organized, to extend and make their turnpike to or from Georgetown, in the District of Columbia, through the said District, to the line thereof," was read twice and ordered to be read the third time to-day. The bill was accordingly read the third time, and passed.

The amendment of the Senate to the bill to reward the officers and crew of the frigate Constitution, for the capture and destruction of the frigates Guerriere and Java, which adds a donation of $25,000 to Captain Jones and crew for the capture of the British sloop of war Frolic, was read and referred to a Committee of the Whole.

The bill from the Senate "to encourage the destruction of the armed vessels of war of the enemy" was read twice, and committed to a Committee of the Whole to-day.

Mr. Calhoun, from the Committee on Foreign Relations, reported a bill prohibiting the exportation of certain articles therein specified, in foreign ships or vessels; which was read twice and committed to a Committee of the Whole tomorrow. The bill is as follows:

A Bill prohibiting the exportation of certain articles therein specified in foreign ships or vessels.

Be it enacted, &c., That no foreign ship or vessel shall be permitted to clear out or depart from any port or place within the United States, or the territories thereof, having on board any stores, lumber, horses, mules, asses, neat cattle, sheep, hogs, and every species of live stock and live provisions, and also every other kind of provision whatsoever, (sea stores only excepted.)

Sec. 2. That if any foreign vessel shall, during the continuance of this act, take on board any of the articles above enumerated, other than provisions and sea stores necessary for the voyage, such ship or vessel and the cargo on board shall be wholly forfeited and may be seized and condemned in any court of the United States having competent jurisdiction, and every person concerned in such unlawful shipment shall forfeit and pay a sum not exceeding —— dollars, nor less than —— dollars, for every such offence.

Sec. 3. Prescribes the mode of recovery and distribution of penalties.

Sec. 4. Limits the duration of the bill to the 1st of July next.

Mr. Calhoun, from the same committee, reported the bill from the Senate, "vesting in the President of the United States the power of retaliation in the cases therein specified," with amendments; which was read, and committed to a Committee of the Whole on Monday next.

MEDAL TO COMMODORE PREBLE, &c.

Mr. Quincy, from a committee appointed on a Message from the President, of the 23d of December last, respecting the execution of the resolution of Congress, for the presentation of a gold medal to Commodore Preble, &c., made a report; which was read, and referred to a Committee of the Whole on Monday next. The report is as follows:

The committee to whom was referred the Message of the President of the United States, transmitting a report of the Secretary of the Navy relative to the resolution of Congress of the 3d of March, 1805, and to the proceedings under the same, having caused the letters marked A and C to be addressed to the Secretary of the Navy, received from him the letters marked B and D, with the accompanying documents annexed to that letter and to this report.

From these letters and documents it appears that, in a letter addressed to the chairman of the Committee of Ways and Means, dated the 16th day of December, 1805, and in explanation of "the causes why the expenditures of that branch of the public service had so far exceeded the estimates and appropriations for the same," the then Secretary of the Navy did transmit "an estimate of expenses defrayed" by the Navy Department, containing an item, declared to be "for expenditures under the resolution of Congress of the 3d of March, 1805; for which objects no appropriations have been made; they have, therefore, been defrayed out of the appropriations for the support of the Navy for the year 1805, twenty thousand dollars."

Upon this statement an act passed on the 22d of January, 1806, making an additional appropriation to supply the deficiencies in the appropriations for the naval service during the year 1805, in which was included the above sum, thus stated to be a deficiency, incurred by an expenditure, which, to that amount, had been defrayed by the Navy Department.

It now appears, by the annexed letter of the Secretary of the Navy, dated the 2d of February, instant, that the item abovementioned, instead of being, as it was stated to be, "for expenditures which had been defrayed" by the Navy Department, was in fact, merely an item stating "a deficit," which resulted from "an estimate that the objects, contemplated by the resolution, would, if carried into effect, cost the sum of twenty thousand dollars."

From the preceding statement, resulting from the annexed letter and document, it therefore appears to your committee that the sum of twenty thousand dollars had not been "defrayed out of the appropriations for the support of the Navy for the year 1805," as was alleged to have been done in the item annexed to the letter of the Secretary of the Navy, of the 16th of December, 1805.

It also, from the same evidence, appears to your committee, that the above sum of twenty thousand dollars has never been expended for objects specified in the item annexed to that letter, and on account of which that sum was included in the appropriation, made by the act of the 22d of January, 1806; the sum

of six thousand nine hundred and forty-one dollars and thirty-two cents only having been expended for objects specified in that item, there remained an unexpended balance of that item of appropriation of thirteen thousand and fifty dollars and sixty-eight cents.

In relation to this balance it appears, by the annexed letters of the Secretary of the Navy, that it is not known, with certainty, at the Navy Department, whether that balance has been applied to other objects of navy expenditures, any further than from the circumstance that, at that time, the warrants of the Navy Department "upon the Treasurer were drawn upon the appropriations indiscriminately;" and the whole amount of the appropriations having been expended," it is presumed, or supposed, "to follow, irresistibly, that this balance was merged in the general navy expenditures."

Inasmuch, therefore, as the amount of this item of appropriation was obtained under the suggestion of an actual and "defrayed" expenditure, when, in fact, it was merely an estimated and undefrayed expense, and inasmuch as it appears that it has been expended for objects to which it was, originally, not destined by law, your committee are of opinion that a further examination is required into the real objects to which this unexpended balance, obtained under that suggestion, has been actually applied.

With respect to that part of the resolution of the 3d of March, 1805, which "requests the President to cause a sword to be presented to each of the commissioned officers and midshipmen who distinguished themselves in the attack on the town, batteries, and naval force of Tripoli," in the execution of which the Secretary of the Navy states that "it is presumed that the President saw, what, to his mind, appeared difficulties of great delicacy, from the peculiar language of the resolution," your committee cannot but regret that the terms of the resolution should have been such as to prevent the officers and midshipmen of that squadron from receiving the decreed and well-deserved marks of their country's gratitude and honor. It is, however, apparent to your committee, that Congress, by passing the resolution of the 3d of March, 1805, did decide that some of the officers and midshipmen, engaged in that service, were entitled to, and should receive, the destined testimony of the nation's sense of their merit. If, as is suggested in the letter of the Secretary of the Navy, the nature of the service and the equality of desert make discrimination difficult, your committee are of opinion that, under such circumstances, it is better, and more worthy of the national character, that all should receive the destined reward, than that it should be withheld from all. The universality of distribution (should, in the opinion of the President, "all have acted gloriously") will be a testimony of general merit, and to each individual an evidence of his having been a partaker of the glory of that service. A total neglect of such distribution, after so distinct and public an acknowledgment of the title of some, is, in the opinion of your committee, doing justice to none. Under these impressions, considering that the squadron under the command of Commodore Preble, in the harbor and before the batteries of Tripoli, constitutes one of the most brilliant portions of our naval history; considering that the resolution passed on the 3d of March, 1805, raised just expectations in the officers and midshipmen, engaged in that service, of receiving some distinct token of their country's favor; considering, also, the great importance, at this crisis of our affairs, of not discouraging the spirit of our naval commanders by withholding rewards to which they have already been declared, by a solemn resolution of Congress, to be entitled; your committee have deemed it their duty to recommend a renewal of the appropriation, to the amount of the unexpended balance above stated, to enable the President of the United States to carry into full effect the resolution of the 3d of March, 1805.

In pursuance of these opinions and reasonings your committee propose, for adoption, the following resolutions:

Resolved, That the sum of thirteen thousand and fifty-eight dollars and sixty-eight cents be appropriated, to enable the President of the United States to cause a sword to be presented to each of the officers and midshipmen who distinguished themselves at the attacks of the town, batteries, and naval force of Tripoli, in conformity with the resolution of Congress of the 3d of March, 1805.

Resolved, That the Secretary of the Navy be directed to lay before this House, at the ensuing session of Congress, a detailed statement of all the objects of expenditure to which the appropriations under the act of the 11th of December, 1805, and under the act of the 22d of January, 1806, making additional appropriations for the naval service, were applied.

A.

HOUSE OF REPRESENTATIVES, *Jan.* 27, 1813.

SIR: The committee to whom was referred the Message of the President of the United States relative to the presentation of a gold medal to Commodore Preble, and swords to the officers of his squadron, have directed me to state the following facts as existing in the records of the House of Representatives.

It appears, by a letter of the Committee of Ways and Means, dated the 12th of December, 1805, and by the documents accompanying that letter, published by order of the House of Representatives, on the 16th of January, 1806, that the Secretary of the Treasury had apprized that committee, by letter, of a large deficiency in the appropriations for the naval service, during the then current year, (1805;) and that, in reply to the said letter of the Committee of Ways and Means, inquiring why the expenditures of that branch of the public service so far exceeded the estimates, and appropriations, the Secretary of the Navy did, by his letter, dated the 16th of December, 1805, transmit an account of expenses defrayed by the Navy Department out of the appropriations for the year 1805, and which, not having been contemplated in the estimate on which that appropriation was founded, the expenditure had constituted a total deficiency of six hundred thousand dollars.

Among the items thus stated to have been defrayed, was one of twenty thousand dollars for the expenditures under the resolution of Congress of the 3d of March, 1805.

Upon this statement I am directed to inquire whether that sum had been expended, and whether that deficiency did then exist, as stated in the letter of the Secretary of the Navy? And, if it were expended, to request that an account of the particulars, specifying the dates, amount, and objects, of such expenditure of twenty thousand dollars, may be transmitted to the committee, from your Department.

I am, sir, respectfully, your obedient servant,

JOSIAH QUINCY.

Hon. WILLIAM JONES, *Secretary of the Navy.*

B.

NAVY DEPARTMENT, *Feb.* 2, 1813.

SIR: I have had the honor of receiving your letter of the 27th ultimo.

On referring to the communication made by the Secretary of the Navy, on the 18th of December, 1805, to the honorable John Randolph, chairman of the Committee of Ways and Means, I find that there was at that time an estimated deficit in the Navy appropriations of six hundred thousand dollars, and various items are therein stated as constituting this deficit. Among others, the sum of twenty thousand dollars is estimated "for expenditures under the resolution of Congress of the 3d of March, 1805;" that is, it was estimated that the objects contemplated by the resolution would, if carried into effect, cost the sum of twenty thousand dollars. The resolution embraced three distinct objects, namely: a gold medal to Commodore Preble; a sword to each of the commissioned officers and midshipmen who had distinguished themselves in the several attacks against Tripoli; and one month's extra pay to each of the petty officers, seamen, and marines, of the squadron. Of these objects, two only, that is, the medal and the one month's pay, were carried into effect. The cost of these objects appears by the enclosed paper, marked (*a*,) to have been six thousand nine hundred and forty-one dollars and thirty-two cents.

It results from this, that, of the twenty thousand dollars estimated as necessary to carry into effect the objects contemplated by the resolution of the 3d of March, 1805, there remained unexpended a balance of thirteen thousand and fifty-eight dollars and sixty-eight cents, and that one of the objects of the resolution was never carried into effect. This balance, it is presumed, was merged in the general navy expenditures. For these objects there never was a specific appropriation made; and at that time the warrants of the Secretary of the Navy upon the Treasurer, did not, as they have done since the act of the 3d of March, 1809, "specify the particular appropriation or appropriations to which the same should be charged."

I have the honor to be, respectfully, yours, &c.

W. JONES.

Hon. JOSIAH QUINCY,
of the House of Representatives.

(*a.*)

There appears to have been paid on account of the medal presented to Commodore Preble, nine hundred and eighty dollars and thirty-two cents.

There being no special appropriation for the payments under the resolution of Congress, of the 3d of March, 1805, there was no distinct account raised on the books of this office for the payments. They were charged under the general account for "Pay of the Navy;" of course the amount could only be ascertained by examining various accounts with the Department, which has been done, and it is believed with accuracy, and the amount appears to be five thousand nine hundred and sixty-one dollars.

THO. TURNER, *Accountant.*

NAVY DEPARTMENT,
Accountant's Office, Feb. 8, 1813.

C.

HOUSE OF REPRESENTATIVES,
February 22, 1813.

SIR: I am directed by the committee to whom was referred the Message of the President of the United States relative to the presentation of a gold medal to Commodore Preble, and swords to the officers of his squadron, to inquire on what grounds the Navy Department "presumes that the balance of thirteen thousand and fifty-eight dollars and sixty-eight cents was merged in the general navy expenditures," as asserted in your letter of the second instant.

They also direct me to inquire what are the dates of the several actual expenditures of the sums of - - - - - - - - - - - $980 32

Paid on account of the medal to Commodore Preble; and on account of the other payments, as stated in the documents annexed to the same letter, a further sum of - - - - - - - - - - - - 5,961 00

$6,941 32

An early answer is solicited by the committee.

I am, very respectfully, your obedient servant,

JOSIAH QUINCY.

Hon. WILLIAM JONES,
Secretary of the Navy.

D.

NAVY DEPARTMENT, *Feb.* 25, 1813.

SIR: I have had the honor of receiving your letter of the 22d instant, in which you inquire "on what grounds the Navy Department presumes that the balance of $13,058 68 was merged in the general navy expenditures," as stated in the letter addressed to you on the second instant.

The terms "it is presumed," as used in my letter of the second instant, might, with perfect propriety, have been omitted; for, as therein stated, "there never was a specific appropriation made for the objects in question, and, at that time, the warrants of the Secretary of the Navy, upon the Treasurer, did not, as they have done since the act of the 3d of March, 1809, express the particular appropriation or appropriations to which the same should be charged." Of course the warrants of the Secretary of the Navy, upon the Treasurer, were drawn upon the appropriations indiscriminately; and the whole amount of the appropriations having been expended, it follows irresistibly that the balance of $13,058 68 was merged in the general naval expenditures.

If there had been a specific appropriation of twenty thousand dollars, and if the warrants of the Secretary of the Navy had have expressed the object for which they were drawn upon the Treasurer, and the power of transferring had not have existed, or, if it existed, had not have been exercised, it would then have been in the power of the Secretary of the Navy to have answered all the queries which you have been pleased to propound to him upon this subject; and, under such circumstances, the information to you would probably have been, that the unexpended balance had been carried to the surplus fund.

The papers herewith, numbered one and two, afford information as to the "dates of the several actual expenditures of the sum of $980 32, paid on account of the medal to Commodore Preble, and an account of the other payments of the sum of $5,961."

I am, very respectfully, sir, yours, &c.

W. JONES.

Hon. JOSIAH QUINCY,
of the House of Representatives.

No. 1.

A statement showing the dates when the payments appear to have been made on account of the medal presented to Commodore Preble, in pursuance of the resolution of Congress of March 3, 1805.

July 29, 1805	$15 00
April 15, 1806	264 61
July 3, 1806	15 00
July 30, 1806	685 71
	$980 32

THO. TURNER, *Accountant.*

NAVY DEPARTMENT,
Accountant's Office, Feb. 23, 1813.

No. 2.

A statement showing the dates when the several sums were paid and advanced on account of the month's pay allowed to the petty officers, seamen, and marines, of Commodore Preble's squadron, in pursuance of the resolution of Congress of the 3d of March, 1809.

July 14, 1805. Advanced to Robert W. Goldsborough, purser, and by him paid to seamen, &c.	$51 00
August 6. Paid to Edward Burke, one month's pay	12 00
August 10. Paid to Henry Davenport	12 00
September 14. Paid to John Quinn	6 00
September 26. Advanced to Charles Wadsworth, purser, and by him paid to seamen, &c.	2,348 00
September 27. Paid to William Dickson, one month's pay	12 00
September 28. Paid to George Murray	10 00
September 28. Paid to James Pasgrave	12 00
November 6. Paid to Richard Doyle	18 00
November 25. Paid to Richard Harris	8 00
November 28. Advanced to Silas Butler, purser, and by him paid to seamen, &c.	692 00
December 5. Advanced to Timothy Wynn, purser, &c.	1,295 00
December 5. Advanced to James Tootell, purser, &c.	525 00
December 5. Advanced to John H. Carr, purser, &c.	89 00
December 10. Paid to P. Farrell, one month's pay	7 00
December 11. Advanced to James Thompson, paymaster of the marine corps, and by him paid to marines	700 00
December 13. Paid to Benjamin Cuthbert, one month's pay	18 00
March 4, 1806. Paid to William Johnson	18 00
July 1. Paid to John Ford	18 00
July 14. Paid to John Lyon	18 00
July 29. Advanced to David Whann, purser, and by him paid to seamen, &c.	30 00
August —. Paid to Clement S. Hunt, purser, &c.	62 00
	$ 5,961 00

THOS. TURNER, *Accountant.*

NAVY DEPARTMENT,
Accountant's Office, Feb. 23, 1813.

FOREIGN LICENSES.

The House resumed the consideration of the report of the Committee of the Whole on the bill to prohibit the use of foreign licenses.

After some conversation on the propriety of the bill's lying for consideration—

Mr. WRIGHT moved to postpone the consideration of the bill indefinitely.

Mr. W. made a very long speech in support of his motion. He was entirely opposed, he said, to a measure, which would cut off our trade with Spain and Portugal, our prolific and friendly markets, merely because Great Britain thought proper not to prevent it.

Mr. POTTER spoke against the bill. The effect of this and of other bills before the House, would be, to produce the evils of an embargo, without making the measure effectual. If gentlemen came forward boldly and proposed an embargo, he declared he would vote for such a measure to continue as long as the war.

Mr. RHEA spoke against the motion.

Mr. NEWTON spoke on the same side. Its passage was more than ever necessary to the establishment of a pure and national commerce.

Mr. BLACKLEDGE also spoke against indefinite postponement. He viewed the license system as a new mode of levying a tax on our commerce, which it was degrading to pay.

Mr. GROSVENOR said he was in favor of the motion to postpone the bill indefinitely, as he understood that such a postponement was tantamount to a rejection of it. The bill, he said, contained provisions, which, under severe penalties, forbid a commerce with neutral nations, by permission or license of the British Government. So far as it went to prohibit a trade to the country, colonies, or dependencies of the enemy, whether with, or without their permission, he had no objection, except what arose from the utter superfluity of the measure. He believed the declaration of war interdicted all such trade. If such a trade came not within the Constitutional definition of treason, if it did not "aid and comfort" the enemy, he was at a loss to understand the meaning of those terms. Yet, Mr. G. said, if it seemed good to the Government to add new restraints, to heap petty pecuniary penalties on a crime which now works a forfeiture of liberty and life, they should have no opposition from him. It was that feature of the bill only which forbids all neutral commerce under British license which, in his mind, rendered the bill utterly reprehensible; and he wished to be understood, as applying all his remarks to this view of the measure.

As well, said Mr. G., as I have understood the arguments of the supporters of this bill, they are not founded on any pretence that our licensed neutral commerce has proved injurious to the commercial or pecuniary interests of the country —such a position might be refuted by a single glance at the state of the commercial world during the past year.

But, Mr. Speaker, said Mr. G., the beneficial effects of these licenses, to our commerce and our

pecuniary resources, have not been questioned. Far different are the reasons which have led to the bill; far different the evils which it is intended to remedy. The honorable gentleman from North Carolina (Mr. Blackledge) has told us that this licensed commerce is a foul blot on our national character, a prostration of our honor; a crime of the darkest hue, worthy of the rack and the gibbet—[Mr. Blackledge explained: he said that he had declared this licensed trade a degradation to the American name, a crime that ought to be punished with the gallows. But, he had also said, that it was injurious to us, because it supplied our enemy with food for her armies, her colonies, her subjects, and her allies—and that the price paid for the licenses furnished her with pecuniary aid to continue the war against us.]

Mr. G.: Mr. Speaker, I perfectly understand the honorable gentleman. But I am speaking solely of that principle in the bill which prohibits commerce with neutral nations—with Russia, Sweden, Denmark, Spain, Portugal, and their dependencies. Does the gentleman mean that we should destroy our commerce with these nations because through them some scraps of our produce may reach the English armies or colonies? Does he mean, that, because Russia, with Roman fortitude, and Herculean strength, has crumbled to atoms the colossal fabric of French despotism, that she has forfeited all title to our esteem and friendship? Does he mean that Spain and Portugal are no longer neutrals, because, in their days of despair, they accepted the aid of a nation then at peace with us? And because Britain has thrown her veteran body between them and their gigantic oppressor, must we, therefore, refuse them our commerce and our amity?

Sir, has that gentleman observed the conduct of the people of Spain and Portugal for the last five years, and has he no sympathy for their sufferings, no esteem for their fortitude, no admiration for their deeds of exalted heroism? When empires were crumbling around them, when even the northern Autocrat paused and trembled, despoiled of their Government, trodden to the very earth by the myrmidons of France, that gallant and indignant people spurned the chains of the arch tyrant, and rose *en masse* to rescue their rights and their religion.

Sir, even on this floor I have heard, and my blood has curdled while I have heard it—even here I have heard the cause and the noble conduct of that people treated with scorn and contumely.

It is true their rights are not such as are secured by our Constitution. Nor do I believe that their religion is wholly unadulterated. But they are the rights and the religion of an independent nation. They are the choice of a gallant and noble people—and to preserve them from the basest usurpation that ever stained the records of treachery, that people have sustained a long, bloody, and successful contest.

And is it possible that the Government of the only independent Republic on earth can adopt a measure intended to humble such a people beneath the feet of a gigantic usurper? Will not the moral sense of America revolt at conduct so flagitious? Will she suffer her history, at the date of only thirty years from her own glorious struggle for independence, to be blasted by the record of so foul a deed? If she will, let her no longer hope for the smiles of Heaven. Her race of virtue and of glory is ended.

But, say honorable gentlemen, "England will obtain a portion of our produce through this licensed commerce with neutrals." Be it so—what is her benefit from that revenue, even upon a day-book and ledger calculation, compared with our own? If, indeed, such a calculation, upon such a subject, is not utterly disgraceful. When, preceding the war, you adopted an embargo, what was the situation of the interior of your Northern and Eastern States? For six months the door to exportation had been closed upon their surplus produce by the rigor of the climate. The war found their condition as the embargo had left it—so powerful and numerous were the ships of the enemy upon the European seas, that there was no safety in exportation. Thus, on the 19th of June last, those States had in prospect, a Summer of distress, and a harvest of bankruptcies and ruin.

How was this distress, this ruin averted? By the use of those very licenses now so loudly reprobated, and by that alone. An avenue to foreign neutral markets was opened. Under their protection your surplus produce was exported; and the price of wheat alone, rising solely from these licenses, bears ample testimony to the benefits which your farmers, your merchants, and your whole country have received from them. It has been a most lucrative commerce; and the paltry sums which the licenses have cost have no perceptible check upon the benefits of the trade. In return for your produce you have received millions into your Treasury, and tens of millions into your country. They have circulated through, and enriched the body politic. What then, sir, though Britain does receive some advantages from this commerce—your advantages are beyond all computation greater. What, though, from the scraps of your trade, she picks a trifle to support her wars, your gains are incomparably greater and more essential; your surplus, and, therefore, useless produce, is converted into the very sinews of war; into active capital; enabling your people to pay your oppressive taxes, to fill your enormous loans, and to sustain their fortunes and families through this barren Winter of war.

Mr. Speaker, let me solemnly ask, at what late stage of insanity must those statesmen have arrived who would wantonly cast from their country a commerce so advantageous, so indispensable to their condition? But, sir, we are told that our honor is at stake—that this licensed neutral commerce is "a foul blot on our national character."

It appears to me, sir, that gentlemen have mistaken this whole matter. Unless I am much de-

ceived, no point, either of national honor, or national character, is involved in the question. If we were at peace with England, if we retained our neutral character, there would be some foundation for saying that it was dishonorable to carry on a commerce with other neutral nations, under British license. In peace, we should have a *perfect right* to such commerce, and England would have *no right* to molest us in its enjoyment. To purchase the enjoyment of that, to which, without money and without price, we had a perfect right, might be dishonorable. It certainly would be so, if we were able to vindicate our right by arms; for then, as an independent nation, honor and policy would both point to such a resort. In a state of peace, therefore, this bill might be defended, and all the declamation about honor, character, dignity, and magnanimity, might be applicable.

But, how widely different is the case before us. We are in a state of warfare with Great Britain, and, as to her, have no neutral character or rights. In relation to our own Government, commerce with neutral nations, without licenses, is indisputably both legal and honorable. By the acknowledged laws of war, Great Britain has a perfect right to capture all our ships, and seize all our property on the ocean; and, of course, as far as her maritime means extend, to obstruct and destroy our neutral trade. Her numerous cruisers, surrounding the Peninsula, swarming in the Baltic, and covering the Indian sea, enable her, in a great measure, to destroy our whole foreign commerce. Thus situated, from some motive, whether to advance her own interests, or from sympathy with the heroic nations of the Peninsula, I will not stop to inquire, she chooses to relax the rigid rules of war. In certain cases, she abandons her right of capturing our ships and property; she relinquishes a right of war in favor of her enemy; and these licenses are merely notices to her cruisers to what extent, and in what cases, this indisputable right is thus relinquished. They are taken by our merchants as witnesses of the order of the British Government, that, notwithstanding her belligerent rights, certain portions of our commerce shall remain unobstructed.

Suppose, instead of special licenses, an Order in Council had been issued, prohibiting any obstructions of our commerce to the ports of Russia, Spain, and Portugal; this would be a general license, and I put the question to this House, and to the nation, Could a commerce with those ports, under such a general license, be considered in any degree illegal or dishonorable? No one will pretend it. But, I pray you, sir, in point of principle, as bearing on our character and our honor, where is the difference between a commerce under a *general* and a *special* license? The modes, it is true, differ; the object, the effect, are the same. What then, sir, is the argument of gentlemen upon this point of national honor? What is their language to the merchants of their country? "When dangers cluster around your commerce, when exposed to certain capture, when insurance rises, to a total destruction of your trade, then launch your ships on the ocean, for then your commerce is *fair and honorable!* But, if danger disappears, if the enemy refuses to capture your property, if your commerce becomes secure and lucrative, then chain your ships to the docks, for then your trade becomes a "foul blot to the national character."

Mr. Speaker, is it possible that this House can adopt a measure founded on grounds and reasoning like this? Is it possible that such spurious chivalry, such frenzy of patriotism, have usurped on this floor the seats which once were filled by sober wisdom and common sense? But, permit me to ask, who are the gentlemen, who, on this bill, have declaimed so vehemently in the cause of national honor?

Sir, I am sensible that any reasoning founded on the inconsistency of your adversary is neither very fair nor very conclusive. If entirely successful, it merely proves that gentlemen yesterday held opinions which they do not possess today. Certainly, it would never have been resorted to by me, had not the example been set by the supporters of this bill.

It has been boldly asserted that our opposition to the bill, introduced the other day, to suspend the non-importation act, is inconsistent with our present conduct. I regret that the honorable gentleman who made the charge had not condescended, instead of a general accusation, to mention some point of inconsistency.

It is not necessary to repeat the reasons so ably detailed by my honorable friend from Rhode Island, (Mr. POTTER,) which compelled us to resist that bill; but this I aver, that they are in no shape inconsistent with our opposition to this measure, which cuts up, root and branch, all exportation in American ships. But, with the good leave of gentlemen, I will point you to another and a darker picture, sir. The "suspension bill," as it was called, was introduced for the express purpose of procuring revenue, and its passage at this session was declared indispensable, by the honorable chairman who reported it, *to sustain the credit of the nation.* With this view it was supported by its friends. To obtain money for this war without a direct appeal to the people, to put further off the dooms-day of direct taxation, its supporters were willing to open a circuitous, though *actual* commerce with the enemy; to receive her manufactures, and, of course, to send her the productions of our soil.

When nine months of the war had not expired, when our armies had met nothing but captivity and death, while a whole territory, wrested from us, was yet in British hands; they were ready to inform the enemy, that hostilities must stay, unless supported by her commerce. Mr. Speaker, are the gentlemen who voted for such a measure, the very same who now talk so flippantly about the dignity and honor of the nation? Do those very gentlemen, who, three days ago, were so eager to open an indirect, though actual trade with the enemy herself, now shrink, like the sensitive plant, from all advantages derived from a neutral commerce, merely because the enemy

abandons her right to destroy it? Having swallowed the camel, do they strain at a gnat? Sir, "it is easier for a camel to go through the eye of a needle," than to refute this charge of gross and palpable inconsistency. With permission, I would propound a few questions, as well to the Government, as to those sticklers for national honor and dignity. How is it, gentlemen, that in time of peace, our commerce has been openly, and for years protected by French, Dutch, and British licenses, and you have remained undisturbed? How is it, that when our Imperial friend of France, opened his ports to all licensed trade from two Southern cities, in a few Southern productions, and shut them to the remainder of our nation, that your honorable feelings were unmoved, and your patriotism silent as the grave? During this whole war, in the open face of day, under the very nose of Government, this neutral commerce has been constantly prosecuted, under the protection of these licenses; and yet this bill has calmly slept, until this moment.

During these periods of disgrace and humiliation, where have the patriotism, the honor, the high sensibilities of honorable gentlemen been wandering? And how is it, that at this peculiar moment they burst upon us in strains of chivalry, which would rival the Knight of La Mancha in the paroxysms of his disorder?

Sir, to these questions I expect no answer; it would be barbarous to press them further. But, sir, although we shall hear nothing of it from those gentlemen, there is a clue, which will guide us through this labyrinth of mysteries and inconsistencies. The objects of this bill are not what they profess to be. I have no doubt, that, like the act to suspend the non-importation law, it is purely a penurious measure—a Treasury machine, invented by the able Secretary of that Department, to wring a few more millions from the people of the Atlantic States. Sir, to my eye, the hand of the honorable Secretary is apparent in every part of the machinery.

On the 9th of February the Secretary wrote to the Chairman of the Committee of Ways and Means as follows:

"It appears in every point of view highly desirable that the duty on foreign tonnage should be increased. A duty of ten dollars per ton does not seem greater than what is required for the protection of American vessels. But I cannot form any correct estimate of the probable addition resulting to the revenue from such an increase; much would depend on the suppression of the trade carried on by American vessels with enemies' licenses."

In pursuance of this hint, on the 15th of the present month, a bill was reported to tax foreign neutral ships, at the enormous rate of six dollars per ton. This bill, it will be recollected, came before the House on the same day that a resolution to tax whiskey was rejected. The bill was opposed, because its manifest effects would be, to tax those who vended the domestic productions which should be exported, and those who consumed the foreign commodities, which should be imported in these taxed neutral bottoms. These venders and consumers resided, principally, in the Atlantic States; their taxes had recently been rendered heavy by the imposition of double duties, and nothing would be more unjust and wicked, while the South and the West remained untaxed, than to throw the whole pecuniary weight of the war upon the Northern, Middle, and Eastern States. All remonstrances were vain; the bill scarcely squinted to the South or the West; it looked North, Northeast, and, of course, passed with the usual war majority. But, sir, while licenses were permitted, the venders and consumers might escape the tax; their produce might be exported, and foreign commodities imported in our own licensed ships. The Secretary saw this, and resorted to a remedy, which might have startled any officer less hostile to commerce and less greedy of revenue. He knew, that such was the British power on the ocean, if the use of licenses was prohibited, neutral ships, at least for a season, must be substituted for our own; and thus the tax would at once be augmented and secured. Hence, at the close of the paragraph, which I before read, he says, "much, (that is, much of the tax) would depend on the suppression of the trade carried on by American vessels with enemies' licenses." The honorable Secretary never speaks to this House in vain. Unversed as I am in this strange mode of official intercourse, this Court language of nods, hints, and insinuations, I never once dreamed, that these few words contained a positive direction to this House to destroy our licensed neutral commerce. Not so the Chairman of the Committee of Commerce and Manufactures, (Mr. NEWTON;) he was filled with new light and new activity; and this bill, which for three months had slept in his pocket, was, on the twenty-second, thrown on your table. The next day, it was pushed through the Committee, and on this day is to be driven through this House. Do not these facts point with unerring certainty to the author and the objects of this bill? Sir, although it is made to strut on this floor in the guise, port, and armor of a national champion, it is nothing more or less than a poor collector of revenue for the year 1814.

To rebut this irresistible conclusion, gentlemen have pressed into their service the last Message of the President. In that Message, the President recommends a total prohibition of exportation in neutral ships. In pursuance of that suggestion, the Committee have this morning reported a bill for that purpose. That bill prohibits the carrying by neutrals of every principal article of exportation in the Middle, Northern, and Eastern States, while not one Southern staple is glanced at by its provisions. Notwithstanding this characteristic feature of this bill—notwithstanding this unerring criterion proves it a straggling relative of the old embargo family, yet, I do not believe, that there is any serious intention to adopt it.

It is inconsistent with the financial operations of the country. The tax and license project is his work. The non-exportation project is the forlorn offspring of the President—by him only is it recommended. If there is any faith in pub-

lic documents, these facts are undeniable. Can any gentleman, who understands the condition of the Cabinet, the relative powers of its component parts, doubt for a moment whose project will triumph? Do they suppose, that in this jostle for influence, wit will not prevail over honesty, intrigue over office? Sir, the President is no match for the Secretary—but if there be no clashing of influence; if the Cabinet are united, then we have a right to conclude, that down to the 22d of February, when the license bill was reported, the project of the Secretary was approved and adopted by the Government. If this be so, then I ask if it be possible that in three days, that project has been abandoned, and the very reverse of it adopted? Not one event has transpired to produce such a radical change. Like the vane on yonder spire, does the Administration change with every change of wind? Nay, more mutable than the weathercock, do they traverse the whole compass though the sky is serene and not a breeze is moving? Sir, at this alarming crisis, when stability alone can insure respect and confidence, the Government dare not incur the contempt of the enemy, and the ridicule of their own people. I do not therefore believe, whatever may be the motives of certain speaking automatons on this floor, that the bill to prohibit exportation in neutral ships, will ever become a law. The great magician does not pull his wires and dance his puppets with so weak and so clumsy a hand.

Mr. Speaker, if in all this I am mistaken, if this measure has no financial views, but is intended only as an attack on the commerce of your merchants, under some mistaken notions of honor and national dignity, I have then only to lament the infatuation of its authors. The measure will prove wholly inefficient. It may harass your merchants, and embarrass your farmers—it may create a new swarm of informers, and transfer, by fines and forfeitures, the hard earned fortunes of your merchants into the pockets of the supple tools of Government. But, as to its general effect, it will entirely fail. This Government cannot change the nature of man—they cannot counteract the laws of nature. While the habits, the propensities and all the feelings of the American people, press forward to the accumulation of property, it is obvious that you obstruct their progress. The surplus produce of this country will never perish in the hands of your farmers—it will find an avenue through which it will reach those who can purchase and pay for it—and all your penal laws, counteracting this irresistible operation of human nature, will only serve to injure your citizens, and of consequence your country.

For six years, experience has been constantly teaching you this salutary lesson—you know its truth and have acknowledged its correctness. And yet such is your infatuation, such is your zeal to imitate the despotic examples which have shrouded in misery the continent of Europe, that you do not hesitate to repeat and reiterate measures, which have produced nothing to your country but discontent, distress, and poverty; they will never produce anything better; let them be abandoned; and let your people, in these times of national calamity, not be compelled to believe that the Government of their choice is more inimical to their interest than the Government of their avowed enemy.

Mr. ROBERTS replied to Mr. GROSVENOR; as also did Mr. CALHOUN, at considerable length, and Mr. BLACKLEDGE.

Mr. WRIGHT again spoke against the bill.

Mr. PLEASANTS doubted the possibility of reaching the evil intended to be guarded against by any statutory provision; but it was yet such a subject as to justify inquiry; and he should therefore vote against indefinite postponement.

Mr. MILNOR said a few words against the bill.

Mr. RANDOLPH spoke against the bill. The effect of it, he said, would be, by our own act, to cut off all that part of our trade which the enemy did not destroy. He viewed it as a resucitation of that old spirit of embargo, which he thought we had forever laid when we commenced actual hostilities.

Mr. CALHOUN was about to rise to reply, but declined speaking from the lateness of the hour.

The question was then taken on indefinite postponement and lost—for the postponement 41, against it 75, as follows:

YEAS—John Baker, Abijah Bigelow, Harmanus Bleecker, Adam Boyd, Elijah Brigham, Epaphroditus Champion, Langdon Cheves, Martin Chittenden, John Davenport, jr., William Ely, James Emott, Asa Fitch, Thomas R. Gold, Charles Goldsborough, Thomas P. Grosvenor, Richard Jackson, jun., Joseph Kent, Lyman Law, Joseph Lewis, jun., Archibald McBryde, James Milnor, Jonathan O. Moseley, Thomas Newbold, Joseph Pearson, Elisha R. Potter, Josiah Quincy, John Randolph, William Reed, William Rodman, Philip Stuart, Silas Stow, Lewis B. Sturges, George Sullivan, Samuel Taggart, Benjamin Tallmadge, Uri Tracy, Pierre Van Cortlandt, Laban Wheaton, Leonard White, Thomas Wilson, and Robert Wright.—41

NAYS—Willis Alston, jr., William Anderson, Stevenson Archer, Ezekiel Bacon, David Bard, William Barnett, Burwell Bassett, William W. Bibb, William Blackledge, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, James Cochran, John Clopton, Lewis Condict, William Crawford, Richard Cutts, Roger, Davis, John Dawson, Joseph Desha, Samuel Dinsmoor, Elias Earle, William Findley, James Fisk, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, John A. Harper, Aylett Hawes, John M. Hyneman, William Kennedy, Richard M. Johnson, William R. King, Abner Lacock, Peter Little, William Lowndes, Aaron Lyle, Thomas Moore, William McCoy, Alexander McKim, Arunah Metcalf, James Morgan, Jeremiah Morrow, Hugh Nelson, Thomas Newton, Stephen Ormsby, Israel Pickens, William Piper, James Pleasants, jr., Benjamin Pond, John Rhea, John Roane, Jonathan Roberts, Thomas B. Robertson, Ebenezer Sage, Thomas Sammons, Lemuel Sawyer, Ebenezer Seaver, John Sevier, Adam Seybert, Samuel Shaw, George Smith, John Smith, Richard Stanford, John Talliaferro, George M. Troup, Charles Turner, jr., Robert Whitehill, David R. Williams, and Richard Winn.—75

The question then recurred on concurring in the first amendment reported by the Committee of the Whole: When the House adjourned.

Saturday, February 27.

Mr. Newton, from the Committee of Commerce and Manufactures, reported the bill from the Senate "concerning the shipping and commerce of the United States," without amendment, and the bill was ordered to lie on the table.

Mr. Dawson, from the select committee on the subject, made a report in relation to making alterations in the Representative Chamber, for the purpose of ventilating the same, &c., and also introduced a bill making an appropriation for that purpose, which was twice read and committed.

The House resumed the consideration of the bill prohibiting the use of foreign licenses on board vessels of the United States.

The first amendment made in Committee of the Whole having been taken up and concurred in—

On motion of Mr. Cheves, the further consideration of the bill was ordered to lie on the table, for the purpose of taking up certain appropriation bills, the passage of which was indispensably necessary.

The bill making appropriations for the support of the Naval Establishment for 1813, was passed through a Committee of the Whole, and the bill making like appropriations for the Military Establishment, passed through a Committee, and both were ordered to be engrossed for a third reading.

A message from the Senate informed the House that the Senate have passed a bill "the better to provide for the supplies of the Army of the United States, and for accountability of persons intrusted with the same." The Senate have also passed the bill "for the regulation of seamen in the public ships and in the merchant service of the United States," with amendments; in which bill and amendments they desire the concurrence of this House.

The said bill from the Senate was read and referred to the Committee on Military Affairs.

A motion was made by Mr. Johnson, that, when the House adjourns, it will adjourn to meet again to-morrow, and the question being taken, it was determined in the negative—yeas 30, nays 45.

The House resolved itself into a Committee of the Whole on the amendments of the Senate to the bill "rewarding the officers and crew of the frigate Constitution." The Committee reported their agreement to the same, and the amendments were then concurred in by the House.

The report of the Committee of Foreign Relations proposing amendments to the bill vesting in the President of the United States the power of retaliation in certain cases passed through a Committee of the Whole, and was agreed to by the House.

On the question of ordering the bill to a third reading, considerable debate took place. Messrs. Quincy, Seybert, Calhoun, Wright, Grundy, Rhea, and Goldsborough, took part in it.

The objections to the bill were not to the principle of retaliation, but arose from the opinion that such a power already existed, from usage and from the nature of things, and was inseperable from sovereignty.

The amendments were ordered to be engrossed, and with the bill to be read a third time.

REVENUE LAWS.

Mr. Quincy, from the select committee appointed on the subject, in pursuance of a motion made by himself, made the following report:

"The committee appointed to inquire into the principle and practice adopted by the Treasury Department, in relation to the revenue laws, and to the mitigating or remitting the fines, penalties, and forfeitures, accruing under the same, having, in pursuance of that appointment, had an interview with the Secretary of the Treasury, and examined such papers as they deemed necessary for the due execution of their trust, addressed to him a letter marked A, and received from him in reply the letter marked B, with the accompanying document—all of which are annexed to this report.

"It appears to your Committee, as far as they are enabled to judge, that the remitting and mitigating powers, exercised by the Treasury Department, have been used in a manner liberal and just. Your Committee have not deemed it their duty, from the terms of their authority, to enter into the consideration of the expediency of relieving the Treasury Department from the burden of exercising this discretion. In some commercial communities a similar discretion is vested in a board of commissioners, whose numerous members form a check upon each other, and the publicity of whose proceedings preserve their decisions under the scrutiny of the public eye, and the wholesome control of public opinion.

"Your committee report to the House the annexed papers as the result of their inquiry."

The report was read and ordered to lie on the table.

FOREIGN LICENSES.

The House again resumed the consideration of the report of the Committee of the Whole on the bill to prohibit the use of licenses or passes issued under the authority of any foreign Government.

Mr. Roane moved that the House do reconsider their vote of concurrence in the first amendment reported by the Committee of the Whole House; which was determined in the affirmative.

The question was then again taken to concur with the Committee of the Whole House in the said first amendment, and was determined in the negative.

The residue of the said amendments were severally concurred in by the House.

A motion was then made by Mr. Nelson, that the bill be recommitted to a Committee of the Whole; which was determined in the negative.

The bill was then further amended, and a motion was made by Mr. Quincy, that it do lie on the table; which was determined in the negative.

The question was then taken that the bill be

engrossed and read the third time, and passed in the affirmative—yeas 69, nays 37, as follows:

YEAS—Willis Alston, jr., William Anderson, Stevenson Archer, David Bard, William Barnett, Burwell Bassett, William W. Bibb, William Blackledge, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, James Cochran, John Clopton, Lewis Condict, William Crawford, Richard Cutts, Roger Davis, John Dawson, Joseph Desha, Samuel Dinsmoor, Elias Earle, William Findley, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, Aylett Hawes, John M. Hyneman, Richard M. Johnson, William Kennedy, Peter Little, William Lowndes, Aaron Lyle, Nathaniel Macon, Thomas Moore, William McCoy Alexander McKim, Samuel L. Mitchill, James Morgan, Jeremiah Morrow, Hugh Nelson, Thomas Newton, Stephen Ormsby, Israel Pickens, William Piper, James Pleasants, jr., Benjamin Pond, Samuel Ringgold, John Rhea, John Roane, Jonathan Roberts, Thomas B. Robertson, Ebenezer Sage, Lemuel Sawyer, Ebenezer Seaver, John Sevier, Adam Seybert, Samuel Shaw, George Smith, John Smith, Richard Stanford, George M. Troup, Charles Turner, jr., Robert Whitehill, and Richard Winn.

NAYS—John Baker, Abijah Bigelow, Harmanus Bleecker, Adam Boyd, Elijah Brigham, Epaphroditus Champion, Langdon Cheves, Martin Chittenden, John Davenport, jr., William Ely, James Emott, Asa Fitch, Thomas R. Gold, Charles Goldsborough, Thomas B. Grosvenor, Richard Jackson, jr., Lyman Law, Joseph Lewis, jr, Jonathan O. Moseley, Thomas Newbold, Joseph Pearson, Elisha R. Potter, Josiah Quincy, William Rodman, Daniel Sheffey, Philip Stuart, Silas Stow, Lewis B. Sturges, George Sullivan, Samuel Taggart, Benjamin Tallmadge, Peleg Tallman, Pierre Van Cortlandt, Laban Wheaton, Leonard White, Thomas Wilson, and Robert Wright.

Ordered, That the said bill be read the third time on Monday.

POWER OF RETALIATION.

The bill giving to the President of the United States the power of retaliation in certain cases therein mentioned, was read a third time.

A motion was made by Mr. QUINCY to adjourn—lost, 56, to 16.

The bill was then passed by the following vote:

YEAS—Willis Alston, jr., William Anderson, Stevenson Archer, David Bard, William Barnett, Burwell Bassett, William W. Bibb, William Blackledge, William Butler, John C. Calhoun, Francis Carr, Langdon Cheves, James Cochran, John Clopton, Richard Cutts, John Dawson, Joseph Desha, Samuel Dinsmoor, Elias Earle, Meshack Franklin, Thomas Gholson, Peterson Goodwyn, Isaiah L. Green, Felix Grundy, Bolling Hall, Obed Hall, John A. Harper, John M. Hyneman, Richard M. Johnson, William Kennedy, William R. King, Peter Little, William Lowndes, Thomas Moore, William McCoy, Samuel L. Mitchill, James Morgan, Jeremiah Morrow, Hugh Nelson, Thomas Newton, Stephen Ormsby, Israel Pickens, William Piper, James Pleasants, jr., John Rhea, John Roane, Jonathan Roberts, Thomas B. Robertson, Adam Seybert, Samuel Shaw, George Smith, John Taliaferro, Charles Turner, jr., Robert Whitehill, David R. Williams, and Robert Wright.

NAYS—Abijah Bigelow, Elijah Brigham, Epaphroditus Champion, Martin Chittenden, James Emott, Asa Fitch, Thomas P. Grosvenor, Lyman Law, Jos. Lewis, jr., Jonathan O. Moseley, Elisha R. Potter, Josiah Quincy, William Reed, William Rodman, Daniel Sheffey, Richard Stanford, and Leonard White.

EXPORTATION IN FOREIGN BOTTOMS.

The House resolved itself into a Committee of the Whole, on the bill prohibiting the exportation of certain articles therein mentioned in foreign vessels.

Mr. CALHOUN spoke at some length in explanation of the object of the bill.

Mr. QUINCY made some observations in reply, and moved to amend the bill by adding thereto the following amendment, as the contingency on which the bill should have effect: "whenever it 'shall appear to the satisfaction of the President 'of the United States, and he shall declare by 'proclamation, that any Governor or Lt. Gov-'ernor of any British West India Island shall 'have exercised the authority and issued any 'license under the authority given by the Prince 'Regent's Order in Council, dated 26th October, '1812."

After some debate, this motion was negatived, by a large majority.

Mr. QUINCY moved to add to the articles proposed to be prohibited from being exported, the following: "and also wheat, flour, rice, tobacco, cotton, indigo, tar, pitch, rosin and turpentine."

This motion having been seconded by Mr. WILLIAMS—

After some observations from Mr. CUTTS, in its favor, it was carried, by a vote of 46 to 25.

Mr. GOLDSBOROUGH then moved an amendment going to restrict the prohibition of exportations to the British West India Islands and South American possessions.

But before this motion was decided on, the Committee rose, reported progress and obtained leave to sit again.

And the House adjourned at 6 o'clock.

MONDAY, March 1.

Mr. LEWIS, from the Committee on the District of Columbia, reported the bill from the Senate "supplementary to an act entitled "An act authorizing the making a turnpike road from Mason's causeway to the town of Alexandria," with amendments; which were read: and, on motion of Mr. BLACKLEDGE, the bill and report were postponed indefinitely.

On motion of Mr. CHEVES, the Committee of Ways and Means were discharged from the consideration of several petitions.

Mr. WILLIAMS, from the Committee on Military Affairs, reported the bill from the Senate, "the better to provide for the supplies of the Army of the United States, and for the accountability of persons intrusted with the same," without amendment. The bill was read the third time, and passed.

Mr. FISK moved the following resolution:

Resolved, That a committee be appointed to inquire

into the expediency of making an appropriation for purchasing furniture and other articles necessary for the accommodation of the President's household, and that they have leave to report by bill or otherwise.

And the question being taken, it was determined in the negative.

An engrossed bill making appropriations for the support of the Military Establishment and of the Militia in the actual service of the United States, for the year 1813, was read the third time and passed.

An engrossed bill making appropriations for the support of the Navy of the United States, for the year 1813, was read the third time, and passed.

The bill from the Senate "the better to provide for the supplies of the Army of the United States, and for the accountability of persons intrusted with the same," was read the third time, and passed.

The annual bill concerning invalid pensioners, passed through a Committee of the Whole, and was ordered to be engrossed for a third reading.

The amendments of the Senate to the "bill regulating the employment of foreign seamen in the armed vessels and merchant service of the United States," were again taken up and agreed to.

The bill making an appropriation of $5,000 for certain alterations in the hall of the House of Representatives, was passed through a Committee of the Whole and ordered to be engrossed for a third reading.

The House took up for consideration the amendments of the Senate to the bill regulating the employment of foreign seamen in the service of the United States.

A motion was made to refer them to the Committee of Foreign Relations.—It was opposed by Mr. Grundy, and lost.

On the suggestion of Mr. Reed, the bill was ordered to lie for an hour or two for consideration.

The House agreed to the amendments of the Senate to the general appropriation bill.

A message from the Senate informed the House that the Senate have passed the bill "making appropriations for the support of Government, for the year 1813," with amendments. The Senate have also passed the bill "authorizing the discharge of Daniel Updike from his imprisonment," with an amendment; in which amendments they desire the concurrence of this House. The Senate have concurred in the amendment of this House to their amendment to the bill "giving further time to purchasers of public lands to complete their payments," with amendments; in which they desire the concurrence of this House; and the Senate have also passed a "joint resolution authorizing the President of the United States to prescribe a system of military discipline."

The resolution was read twice, and referred to the Committee on Military Affairs.

The amendments of the Senate to the bill "making appropriations for the support of Government, for the year 1813," were read, and committed to a Committee of the Whole to-day.

REMISSION OF FORFEITURE.

Mr. Cheves, from the Committee of Ways and Means, to whom was referred the petition of Thomas Vincent, of Charleston, South Carolina, made the following report:

That the facts concerning this petition are contained in certain documents which accompany the petition, in a letter from the Secretary of the Treasury to the chairman of the committee on the subject of the said petition, and in a letter from the Secretary of the Treasury to the collector of the port of St. Mary's, in Georgia; all of which are herewith reported.

That it appears the petitioner applied to the Secretary of the Treasury, under his ordinary powers, for relief from penalties and forfeitures incurred by the importation of British manufactures from the Spanish dependencies, and that, under the said application, the Secretary has finally and definitively decided, from which decision the petitioner prays to be relieved.

The committee, therefore, without inquiring into the merits of that decision, are of opinion that it would be improper and impolitic to revise, by an act of legislation, a decision thus finally and definitively made. The committee, therefore, recommend the following resolve:

Resolved, That the prayer of the petition be not granted.

Treasury Department, *Feb.* 1, 1813.

Sir: I have the honor to return Thomas Vincent's petition, and the accompanying documents.

The circumstances under which possession was taken of Amelia island are known to the committee. As soon as the fact was known at the Treasury, a letter, a copy of which is enclosed, was written to the collector of St. Mary's, enjoining on him to continue to consider Amelia island as a foreign port. All the acts of the late Governor Matthews, respecting the taking possession, what is called the capitulation, the asking bonds for Spanish duties, and the advice to masters of vessels and others, to proceed with prohibited merchandise to the United States, were altogether unauthorized and illegal.

The most valuable cargo then in Amelia island harbor, was that of Mr. Stephen Girard's vessel, which, together with two or three more, proceeded to the Delaware, where they have been seized and libelled. The parties have not applied for a remission, but contend that they have incurred no forfeiture; and the suits are still pending. The cargoes have, notwithstanding the opposition of Government, been restored to the parties, on giving bond for the appraised value, which is understood to have been the prime cost. It has been stated, but whether correctly I cannot vouch, that Mr. Girard's bond for the ship and cargo is $296,000; and that the cargo was sold for more than $600,000.

The following eight cases are the only ones, (those just now mentioned excepted,) in which prohibited goods, to my knowledge, have been imported from Amelia island since possession was taken by Governor Matthews. In all of them application was made for a remission of the forfeiture; and this was, in all the cases, granted, on the same conditions as in the case of Thomas Vincent, which is in the possession of the committee:

July 8, 1812.—Ship Nautilus, Thomas Vincent, petitioner; goods imported into South Carolina.

July 8, 1812.—Ship Eclipse, Micah Stone, for P. Chase, petitioner; goods imported into Georgia.

July 9, 1812.—Ship Charlotte, John Haslet and J. M. Clark, petitioners; goods imported into South Carolina.

July 13, 1812.—Ship Julia, Sylvanus Howett, petitioner; goods imported into Norfolk.

August 6, 1812.—Brig Union, Thomas Cross, petitioner; goods imported into Portland.

October 23, 1812.—R. Richardson and J. Bolton, petitioners; goods imported into St. Mary's.

December 14, 1812.—Strobel and Aspinal, petitioners; goods imported into St. Mary's.

December 14, 1812.—James Blair and J. Napier, petitioners; goods imported into St. Mary's.

In the last three cases the merchandise was brought in boats across the St. Mary's river.

As, in the case of the petitioner, the merchandise sold for less than the prime cost and double duties, it is only that part of the decision which imposed those duties of which he complains. On that subject I will only observe, that the merchandise in that and all the other cases could not be legally admitted to entry until after the remission of the forfeitures, all of which were remitted subsequent to the first day of July, and after the passing of the act of Congress imposing the double duties. That condition appeared equally consistent with equity, and with the law then in force. With respect to the bonds given at Amelia island to an unauthorized person, it is evident that they are a perfect nullity, and cannot be recovered from the petitioners.

It may not be improper to add, that the same rule of decision has been adopted, and the forfeitures remitted precisely on the same terms as in the case of the "Nautilus," in the following cases, viz:

1. Brig South Carolina, arrived at Charleston, from Calcutta, remitted on the 13th of July, 1812; the circumstances of which case were stated in my letter of the 10th of December last, to the Committee of Ways and Means.

2. Two cases of merchandise, imported from Canada, subsequent to the declaration of war, under the apprehension of danger from the enemy, viz: furs, by J. Jacob Astor, remitted October 13, 1812, and merchandise by David Vantine, remitted November 17, 1812. Should the bill, intended for the relief of importers from the British provinces, since the declaration of war, be rejected by Congress, the same rule of decision which has been adopted in those two cases would be applied to all the others.

3. Nine vessels, which, being either on the coast, waiting for orders, or at sea, bound to foreign ports, and being informed of the war, came into the ports of the United States to avoid capture by the enemy, viz:

July 13, 1812.—Schooner Mary, from Liverpool, arrived at Boston; Stephen Higginson, jr., petitioner.

July 13, 1812.—Ship South Carolina, from Algeziras, arrived at Philadelphia; Samuel Singleton, petitioner.

July 14, 1812.—Ship Charleston and Liverpool Packet, from Liverpool, arrived at Norfolk; Edward Howe, jr., petitioner.

August 14, 1812.—Brig Thomas, from Liverpool, arrived at Norfolk; John S. Trott, M. Blake, and others, petitioners.

August 26, 1812.—Brig Taber, from Montego Bay, arrived at New York; John Patrick and John Baker, petitioners.

August 26, 1812.—Ship Jason, from Liverpool, arrived at Portsmouth, New Hampshire; J. and William Flagg, petitioners.

August 27, 1812.—Brig Emeline, from Jamaica, arrived at New York; John Patrick and Jacob Fash, petitioners.

August 31, 1812.—Brig Nymph, from Martinique, arrived at Boston; D. Patch and Ph. Currier, petitioners.

October 12, 1812.—Brig William and Martha, from Liverpool, arrived at Boston; John M'Lean and D. Ellis, petitioners.

I have the honor to be, with respect, &c., sir, your obedient servant,

ALBERT GALLATIN.

Honorable LANGDON CHEVES,
Chairman Committee of Ways and Means.

TREASURY DEPARTMENT, *April 7*, 1812.

SIR: I learn, by a letter from Mr. George Mathews, that a portion of East Florida has been ceded to the United States. Unacquainted as I am with the circumstances of that event, and not being yet informed of the manner in which it will be viewed by the Government of the United States, I can only direct you to continue to consider, for the present, and until otherwise instructed, every part of East Florida, by whomsoever possessed, as a foreign port or place.

I am, &c. ALBERT GALLATIN.

ABRAHAM BESSENT, Esq.
Collector of St. Mary's, Georgia.

FOREIGN LICENSES.

An engrossed bill to prohibit the use of licenses or passes, issued under the authority of any foreign Government, was read the third time,

And on the question, "Shall this bill pass?" it passed in the affirmative—yeas 59, nays 32, as follows:

YEAS—William Anderson, Stevenson Archer, David Bard, William Barnett, Burwell Bassett, William W. Bibb, William Blackledge, Robert Brown, William A. Burwell, John C. Calhoun, John Clopton, William Crawford, Roger Davis, John Dawson, Samuel Dinsmoor, Elias Earle, William Findley, James Fisk, Peterson Goodwyn, Isaiah L. Green, Felix Grundy, Aylett Hawes, John M. Hyneman, William Kennedy, Abner Lacock, Peter Little, William Lowndes, Aaron Lyle, Nathaniel Macon, William McCoy, Alexander McKim, Arunah Metcalf, Samuel L. Mitchill, James Morgan, Jeremiah Morrow, Hugh Nelson, Anthony New, Thomas Newton, William Piper, James Pleasants, jr., Benjamin Pond, John Rhea, John Roane, Jonathan Roberts, Thomas B. Robertson, Ebenezer Sage, Lemuel Sawyer, John Sevier, Adam Seybert, Samuel Shaw, George Smith, John Smith, Richard Stanford, John Taliaferro, George M. Troup, Charles Turner, jr., Robert Whitehill, David R. Williams, and Richard Winn.

NAYS—Abijah Bigelow, Adam Boyd, Francis Carr, Epaphroditus Champion, Langdon Cheves, Martin Chittenden, John Davenport, junior, William Ely, James Emott, Asa Fitch, Thomas R. Gold, Charles Goldsborough, Thomas P. Grosvenor, Joseph Kent, Lyman Law, Joseph Lewis, junior, Jonathan O. Moseley, Thomas Newbold, Timothy Pitkin, junior, Elisha R. Potter, Josiah Quincy, John Randolph, William Rodman, Philip Stuart, Silas Stow, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Peleg

Tallman, Leonard White, Thomas Wilson, and Robert Wright.

Ordered, That the title be, "An act to prohibit the use of licenses or passes issued under the authority of any foreign Government."

RELATIONS WITH FRANCE.

Mr. Goldsborough, after observing on the propriety of the House having all the information on foreign affairs which was accessible; and remarking, also, that they were much in the dark in respect to our relations with France, moved the following resolution:

Resolved, That the President of the United States be requested to cause to be laid before this House the French decree, purporting to be a repeal of the Berlin decrees, referred to in his Message of the 4th of November last; together with such information as he may possess concerning the time and manner of promulgating the same; and, also, any correspondence or information touching the relations of the United States with France, in the office of the Department of State, not heretofore communicated, which, in the opinion of the President, it is not incompatible with the public interest to communicate.

And on the question to agree to the same, it passed in the affirmative—yeas 102, nays 4, as follows:

Yeas—Willis Alston, jr., William Anderson, Stevenson Archer, John Baker, David Bard, William Barnett, Burwell Bassett, William W. Bibb, Abijah Bigelow, William Blackledge, Harmanus Bleecker, Adam Boyd, James Breckenridge, Robert Brown, William A. Burwell, William Butler, John C. Calhoun, Francis Carr, Epaphroditus Champion, Langdon Cheves, Martin Chittenden, John Clopton, Lewis Condict, William Crawford, Richard Cutts, John Davenport, jun., Roger Davis, John Dawson, Joseph Desha, Samuel Dinsmoor, William Ely, James Emott, William Findley, James Fisk, Asa Fitch, Thomas R. Gold, Charles Goldsborough, Peterson Goodwyn, Isaiah L. Green, Thomas P. Grosvenor, Felix Grundy, Aylett Hawes, Jacob Hufty, Richard Jackson, jr., Richard M. Johnson, William Kennedy, Joseph Kent, William R. King, Abner Lacock, Lyman Law, Joseph Lewis, jr., Peter Little, William Lowndes, Aaron Lyle, William McCoy, Alexander McKim, Arunah Metcalf, James Milnor, James Morgan, Jeremiah Morrow, Hugh Nelson, Anthony New, Thomas Newbold, Thomas Newton, Stephen Ormsby, Joseph Pearson, Israel Pickens, William Piper, Timothy Pitkin, jr., James Pleasants, jun., Elisha R. Potter, Josiah Quincy, John Randolph, William Reed, Samuel Ringgold, John Rhea, John Roane, Jonathan Roberts, Thomas B. Robertson, William Rodman, Ebenezer Sage, Ebenezer Seaver, John Sevier, Adam Seybert, Samuel Shaw, Daniel Sheffey, George Smith, John Smith, Richard Stanford, Philip Stuart, Silas Stow, Lewis B. Sturges, Samuel Taggart, John Taliaferro, Benjamin Tallmadge, Leonard White, Robert Whitehill, David R. Williams, Thomas Wilson, Richard Winn, and Robert Wright.

Nays—Bolling Hall, John M. Hyneman, Lemuel Sawyer, and Charles Turner, jun.

Mr. Goldsborough and Mr. Kennedy were appointed a committee to present the said resolution to the President.

On motion, the House adjourned.

Tuesday, March 2.

An engrossed bill concerning invalid pensioners was read the third time, and passed.

The amendment of the Senate to the bill for the relief of Susannah Wiley, was read and concurred in by the House.

A Message was received from the President of the United States transmitting a report of the Secretary of the Treasury, containing a statement of proceedings under the act to regulate the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio. Laid on the table.

A message from the Senate informed the House that the Senate have passed "a resolution requesting the President of the United States to present medals to Captain William Bainbridge and the officers of the frigate Constitution." They have also passed the bill "for the relief of Susannah Wiley," with an amendment; in which resolution and amendment they desire the concurrence of this House.

The Speaker presented a memorial of sundry inhabitants of the Mississippi Territory, remonstrating against any change in the form of government of the said Territory.—Laid on the table.

Mr. Morrow, from the Committee on the Public Lands, made a report on the resolutions of the Legislature of the Illinois Territory, presented on the 25th of January, 1813; which was read, and ordered to lie on the table.

On motion of Mr. Williams, the select committee, to whom was recommitted, on the 27th ultimo, the report of a committee appointed to inquire into alterations necessary to be made in the Representative Chamber, were discharged from the said report.

Mr. Williams, from the Committee on Military Affairs, reported the joint resolution from the Senate, authorizing the President of the United States to provide a system of military discipline, with amendments; which were read and concurred in by the House, and the amendments ordered to be engrossed and read the third time to-day.

On motion of Mr. Turner,

Resolved, That the Clerk of this House be, and he is hereby, authorized and directed to pay, out of the contingent fund, to the persons employed by the Doorkeeper, by virtue of the authority of this House, the sum of fifty dollars each, for extra services, and to John Oswald Dunn, for his services, the sum of one hundred dollars.

The amendment of the Senate to the bill "authorizing the discharge of Daniel Updike from his imprisonment," was read and concurred in by the House.

The amendment of the Senate to the amendment of this House to the amendments of the Senate to the bill "giving further time to purchasers of public lands to complete their payments," were read, and the first concurred in and the second disagreed to by the House.

An engrossed bill making an appropriation for alterations to be made in the Chamber of the

House of Representatives, was read the third time and passed.

Ordered, That the title be, "An act making an appropriation for alterations and repairs to be made in the Capitol;" and that the Clerk do carry the bill to the Senate, and desire their concurrence therein.

A message from the Senate informed the House that the Senate have passed a bill "for the better regulation of the general staff of the Army of the United States;" in which they desire the concurrence of this House.

The bill from the Senate, "for the better organization of the General Staff of the Army of the United States," was read twice and committed to a Committee of the whole House to-day.

EXPORTATIONS IN FOREIGN BOTTOMS.

The House again resolved itself into a Committee of the Whole, on the bill prohibiting the exportation of certain articles therein specified, in foreign vessels.

Mr. POTTER moved to amend the bill, by inserting, after the articles specified, the words, "and every other article, the growth produce, or manufacture of the United States."

Mr. CALHOUN opposed the amendment, as going beyond the system which had been proposed by the Committee of Foreign Relations, in their report.

The motion was agreed to, however, by the following vote: For the motion 40, against it 35.

The bill having been gone through, the question was stated on the Committee's rising and reporting the bill.

Mr. WRIGHT opposed the bill, as going to produce a most injurious effect on our own agriculture, ineffectual as to the enemy, and incompatible with a state of active war.

Mr. MCKIM said a few words in reply. The prohibition of exportation in foreign bottoms was by no means, as the gentleman appeared to view it, a prohibition of all exportation, which would still take place in American bottoms.

Mr. LOWNDES opposed the bill, as well on account of its operation on our own commerce and agriculture, as on account of its effect on neutral commerce, which we, having gone to war for our neutral rights, ought to be the last to slight or disregard.

Mr. RHEA spoke in favor of the bill, and declared he could see no objection to its passage on the ground of its operation on neutrals.

Mr. CLAY spoke at considerable length in favor of this bill, as forming a complete system, connected with one which passed the House the other day, prohibiting the use of foreign licenses on board vessels of the United States, suited to the present relations of the United States, and to the proper action on the enemy.

Mr. ROBERTSON spoke as follows: Mr. Chairman, I do not often trespass on the patience of the House, but I request their attention whilst I state a few of the reasons which compel me to oppose the bill now under consideration.

I am the more disposed to do this, because my opposition arises from considerations in a great measure peculiar to myself, and because I differ with gentlemen in the correctness of whose opinions I usually concur. Without, then, considering the principles it involves, I reject this bill, because, it is not in fact what it professes to be; it is not a restrictive measure; its provisions may operate prejudicially on ourselves, but cannot affect the enemy. In one of two general systems, I might go along with gentlemen. Let us have non-importation, non-intercourse, and embargo—thus the restrictive system may have its full bearing; let us refuse to purchase manufactures of the British; let us refuse to furnish them with provisions, then we may be consoled for the privations which we ourselves must experience, by reflecting on the great evils which we inflict on the enemy.

I can but smile at the patriotism of honorable gentlemen, who affect to starve the English by refusing to buy their manufactures, whilst they inundate the army, the navy, the colonies of that nation, with a profusion of all the necessaries and luxuries of life—they will starve a few miserable manufacturers, whilst they industriously feed their armed men. With the most glaring and barefaced inconsistency, they object to admitting into our markets any the minutest article of British manufacture, that the inhabitants may perish for the want of means to purchase bread; whilst bread is exported with a hope that it should, indeed a perfect certainty that it will be consumed by this same people. I cannot concur in these half-way measures. I voted for a repeal of the non-importation act. I hoped that commerce, sufficiently hazardous and fettered by the present state of the world, would cease to be shackled by ourselves. I hoped, that now the sword was drawn, we should carry on war in the usual and accustomed manner—that the Government would be aided by the receipt of revenue arising from duties and imposts—that the people would be thus partially relieved from taxes—that the nation would be strengthened and inspirited by an accession of wealth, now, more than ever necessary.

But whatever, sir, might be my opinion of this bill, viewed as a restrictive measure; for other considerations it meets with my decided disapprobation. We prohibit neutrals from clearing out from our ports, with the productions of our country, whilst our own vessels are left free to do so. We deny to them that commerce, which as a neutral we formerly enjoyed. Heretofore we complained of the injustice of belligerents, and, now that we are engaged in war, and that too for *neutral rights and free trade*, we are about to practise similar abuses. Aware that some apology would be deemed necessary, we call it a municipal regulation; it may be so—and perhaps we are borne out by strict law; but we attempt a justification on the ground of cutting off our enemy from supplies, of which he stands in need, and which, notwithstanding his perilous situation, he dares to hope to receive through a train of insolent artifices, derogatory

to the integrity of the Union, and disgraceful to those with whom they shall prevail.

Now, sir, if the measure proposed could in any way counteract his views—if it went the full length of preventing him from procuring the various articles which his necessities require, I confess it would be inflicting a punishment, which not only the laws of war would authorize, but which the unprecedented baseness of his late attempt most loudly calls for; but no such effect will be produced. For what is there to prevent our vessels from transporting the products of the United States to Amelia, Pensacola, St. Bartholemews, there to be deposited, and thence carried in neutral or British bottoms to Jamaica, the Bahamas, or wheresoever else they may be wanted? And again, if, notwithstanding the hostile attitude in which we stand in relation to each other, England is compelled to encourage a trade by license, will not her necessities equally induce her to connive at exportation? Can it be doubted, that her armed vessels would not be instructed to allow our provisions to pass unmolested, when, by pursuing a contrary conduct, she would be starving her own colonies? And is it not clear that a traffic, which the war prevents from being direct, would continue to be carried on, as it is at present, through intermediate ports?

Mr. Chairman, the present scheme seems to me to be merely calculated to produce vexation and embarrassment at home; to operate with peculiar hardship on neutral rights, without inflicting on the enemy any injury commensurate with these evils. Sir, if gentlemen wish to reap the full effect of a restrictive system, that system must be rigid and complete. Let our ports be sealed, let there be neither egress nor ingress, let us neither buy nor sell, and let us prepare to bear the positive burdens of active war. No section of our widely extended Union could then complain of *peculiar* oppression. The plan would present itself to us, recommended, at least, by the generality of its operation; by the impartiality of its character. But, if this cannot be done, if the shipping interests of some of the States, and the manufacturing establishments of others, must be encouraged, and if others still must sell their wheat and flour, let us pursue the opposite course, let us sweep restrictive measures by the board; thus should we enjoy all the advantages which would result to the Government from imposts, all the benefits that would accrue to individuals from exports. In either of these modes of proceeding I might concur; but I cannot consent to the plan now submitted, nor acquiesce in the wisdom or policy of our existing regulations. They are not promotive of the general welfare, but, on the contrary, are ruinous to the interests of that portion of the Union whose interest it is peculiarly my duty to protect. Yet, I cannot help observing that, however under their oppressive operation commerce languishes, and Southern agriculture is completely annihilated, they are tolerated by the Eastern States, because they promote their domestic manufactures, and impoverish and embarrass the Government; and they are advocated and supported by the Middle States, because they consider, or affect to consider them, as very patriotic; because they inflict privations, which, by-the-by, they do not feel; and, finally, because, nevertheless, they are enabled to sell off, at excellent prices, the productions of their farms. Thus, sir, a feast is spread before us; but it is served up, however splendidly and abundantly, in shallow dishes; and, while the foxes of the Eastern and Middle States lap up the soup with great dexterity, the storks of the Mississippi, Mobile, and Altamaha, look on, perhaps with admiration, but certainly with no satisfaction whatever. While, sir, the spleen of hostility towards the Government is gratified, while the manufacturing establishments of the East are promoted, while the middle section of the Union disposes of, at high prices, the abundant harvest of their fields, what becomes of the commerce of our country? What fate befalls the agriculture of the South? Our cotton rots on the stalk. From this proscription of foreign manufactures, the grower of the raw material is irretrievably ruined. Possibly he may sell an inconsiderable portion of his crop, for contemptible prices, to domestic manufacturers, whilst he is compelled to buy, at enormous rates, the articles which his wants require. If he wishes to sell, he finds no competition among purchasers. Does he find it necessary to purchase, he suffers equally from the want of competition among those who sell.

Whatever may have been the measures of which I speak in *principle*, in *practice* they have not answered expectation. I conceive they were honorable to the Government. They had for their object the rights and real independence of the nation; but the embargo, the most efficient among them, has long since been laid aside; it was found impossible to carry it into effect. However well intended, whatever good was fairly hoped from it, the result expected has not been realized.

[Here Mr. R. was interrupted to make way for a message. He proceeded:]

Mr. Chairman, at the moment of this interruption I was about to conclude; but, one word, before I resume my seat, in reply to the honorable Speaker. He has said that the bill now before you forms a part of a series of measures intimately connected with, and depending on each other, and having in view the same object—retaliation on the enemy. I confess I do not think the honorable gentleman was successful in making out his proposition; it certainly strikes me in no such light. If I deemed his opinion correct, it should unquestionably receive my hearty support. Indeed, having already voted for the measures to which he alludes, I should feel myself compelled to do so upon every principle of consistency. To meet the lure held out to some of our merchants, the bribe to induce them to violate their allegiance to their country, and to sacrifice their individual honor, I gave, most cheerfully, my assent to the act prohibiting the use of foreign licenses. To meet the unprece-

dented barbarities of the British and their savage allies—barbarities which fill the soul with indignation and curdle the blood with horror—I hesitated not to consent to add the sanction of this House to principles of severe retaliation to be acted on by the President; but how this bill, which merely prohibits to neutrals a trade which it leaves open to ourselves, is connected with either of those acts, I cannot perceive; and, having already, I think, satisfactorily shown that it can produce no sensible effect upon the enemy, for these, and other reasons, which a want of time will not permit me to state, it does not meet with my approbation, and cannot receive my vote.

The Committee then rose and reported the bill; which was ordered to lie on the table, for the purpose of taking up the following business.

The bill for the better organization of the staff of the Army then went through a Committee of the Whole, and was ordered to a third reading.

The joint resolution of the Senate requesting the President of the United States to cause to be prepared and laid before Congress, a military system of discipline for the Infantry of the Army and Militia of the United States.

The bill for the better organization of the staff of the Army was then read a third time and passed, 51 to 34.

The House again took up for consideration the report of the Committee of the Whole on the bill to prohibit the exportation of certain articles from the United States in foreign vessels.

A debate of considerable length took place, in which Mr. CALHOUN supported the bill, though opposed to the amendment made on motion of Mr. QUINCY in Committee of the Whole.

Mr. GROSVENOR spoke as follows:

Mr. Speaker: When I had the honor to address you, on a measure, which has finally passed this House, I stated, at some length, my reasons for believing that the Government had no serious intention to pass the bill now before you. But sir, from a furious zeal, this day manifested in a certain quarter, to drive the measure through this House, I fear I was mistaken. I therefore deem it an indispensable duty, in the name of the commercial and agricultural districts which I represent, to enter my solemn protest against this new project of the Government.

I shall not enter into any argument, to show the impolicy, the injustice, and the danger of such a measure, considered as a measure of non-exportation. The task has been most ably and successfully performed by an honorable gentleman from South Carolina, (Mr. LOWNDES;) he has shown, that connected with the maritime power of the enemy, and with other bills already passed this House, this measure has all the blasting qualities, without even the few equivocal benefits of a broad restrictive system; and he has demonstrated the irreparable mischiefs which must result, from such weak and mongrel measures. His reasoning has not been met—it cannot be refuted—I will not weaken its effect on the House, by attempting to enforce it.

My principal object in rising, was to examine the grounds upon which the honorable gentleman from South Carolina, (Mr. CALHOUN,) who last addressed you, has rested his justification of the measure. He has assured us, that it is not at all intended as a part of any new system; that its object is in no respect a prohibition of free and fair exportation. Sir, whatever gentlemen may intend, it is too palpable for denial, that this measure is, in truth, a restrictive and an anti-commercial measure, and in conjunction with the license bill already passed, must operate (as far as such weak and unnatural measures can operate) as a broad and iron system of non-exportation.

But, sir, what are the intention and the objects of the bill according to the view of that honorable gentleman: "To avenge insult"—"to retaliate on the enemy his attempts to destroy us"—"to carry to his own lips his own poisoned chalice." And where are these insults, these injuries, these vital attempts of the enemy to be found? Henry's celebrated mission, after rioting for a time on the spoils of the Treasury, has found the tomb of the Capulets. And although its ghost seems to haunt the honorable gentleman from South Carolina, yet sure I am, that a thing of air would not have inspired him with all those bitter feelings which he has poured forth upon the enemy.

No sir, it is the last Message of the President which contains all this dreadful matter. In that Message came before us an Order in Council by the Prince Regent, and a letter from a British Secretary, to a West Indian Governor. Sir, by that order, certain West Indian ports are opened to the importation of articles which they wish to purchase, and to the exportation of produce which they wish to sell. This is no new practice; in every European war, the belligerent mother country has never failed to open some of her colonies to neutral commerce. By this order nothing more is done, and so far from any insult or injury to us in the body of the order, our nation is not even named. The order, however, recognises the letter of the British Secretary; the only part of that letter, with which we have anything to do, is contained in the following paragraph:

"Whatever importations are proposed to be made under the order from the United States, should be by your licenses confined to the ports of the Eastern States exclusively, unless you have reason to suppose that the object of the order would not be fulfilled, if licenses are not also granted for importations from other ports in the United States."

Upon this slender basis, rests that mass of invective, with which the President has been pleased to fill his Message. Here, and here alone, can the honorable gentleman from South Carolina find a provocation for the bitter anathemas which he has poured upon the enemy; and here alone, must the good people of New England hunt for "those degrading insults," those "vile invitations to treason," and that "steady purpose in the enemy, to kindle the flames of civil war, and to dismember their happy Union," which have been charged by the President, and which the honorable gentleman has endeavored to establish. If, in

truth, such be the character of these English documents, they surely merit the disapprobation and contempt of the American people. For although England is an enemy, yet the laws of honorable warfare would condemn her for any insidious attempts upon the internal organization of our Government.

But, Mr. Speaker, does it become our Government to mount on these stilts of honor, and to reproach the enemy so violently? Have they furnished him no precedent for attacks upon the fealty of our citizens? Have they forgotten the first proclamation of General Hull in Canada? That black instrument, it is true, did not invite the Canadian subjects of Britain to a peaceful commerce with the nation—it did not offer them a trade refused to their mother country; but, transcending all such paltry expedients, with unblushing turpitude, it struck to the very vitals of their allegiance; it called them to rebellion and treason. Will it be denied that our Government is responsible for this measure? Have they ever uttered a syllable in disapprobation of it? On the contrary, it is well known, that its first appearance was hailed with unbounded plaudits, by the whole ministerial party; it never has been disavowed by the Government. And to this hour it has not been censured by those on this floor, who now make the "welkin ring" with their denunciations of the enemy, for following, at a humble distance, the vile example.

Sir, I reprobated that proclamation, because it was an attempt to conquer by corruption, by subornation and treason, instead of open and honorable warfare. And because it provided an example, which, through the whole South, might be retorted upon us with bloody interest.

As far as this British measure has a similar character, it has my unfeigned abhorrence; and if it would bring one dollar into the Treasury, or add one soldier to our armies; if it would erase one stain from our national escutcheon, or stifle one groan of our suffering country, I would join the honorable gentleman, and scold the Prince Regent for his sinful conduct, most heartily and most vociferously. Nay, if it pleased the honorable gentleman, I would, hand in hand with him, collect all the curses of Lord Peter, and all the orthodox anathemas of Dr. Slop, and pile them on the head of that wicked ruler. But, in the present case, the gentleman must excuse me; without some prospect of advantage to my country, I will not prostrate her dignity by heaping wanton curses even on her enemies.

Sir, I grant the honorable gentleman that this latter is an improper attempt to sow dissention among our citizens. I agree with him that the attempt is as weak as it is wicked. I give the gentleman all his premises. But I contend that the bill which he has reported is a palpable *non sequitur* from those principles. It is not a legitimate consequence that we should therefore suffer the gentleman to cut up, root and branch, all our neutral commerce. What, because your enemy is silly and wicked, does it follow that you must become insane? Because you have been insulted and injured, must you therefore commit suicide? Because your enemy wishes to reduce your citizens, will you for that destroy their commerce and deprive them of bread? Weak, in my opinion, weak indeed are those State logicians who reason so perversely.

But "our honor is involved, and we must vindicate our honor even at the expense of national ruin," is the doctrine of the honorable gentleman. I am weary, weary of this perpetual and confused din about our national honor. Not a measure of more than ordinary mischief travels through this House unconnected with this topic of declamation. In the name of national honor, the non-intercourse and non-importation acts were fastened on the people. The embargo was a dreadful sacrifice at her shrine; she kindled the flames of war which are now consuming our country. Nothing could purify our insulted honor but rivers of human blood.

Mr. Speaker, I would solemnly demand, what is this national honor, this object of ministerial idolatry? Is she one of those infernal deities which can feed on nothing but commercial havoc and national ruin? Does she, like the demons of a Merina's temple, sit abstracted and ferocious, never smiling but on national distress, never propitiated but by human sacrifice? Then she is the last deity that a virtuous and republican people should worship. But this is not her character; she is a beneficent, healing, and curing goddess, allied inseparably to public virtue, prosperity, and happiness. Such she was in those days when the great Washington presided in our councils. And such, notwithstanding the misdeeds that have been perpetrated in her name, she continues to this day. The honorable gentleman from South Carolina has mistaken her character, and that mistake has stamped error upon all his argument.

Sir, those rules of national or individual honor must be spurious, which require that, to avenge an insult or an injury, you should grasp a poignard and bury it in your own bosom.

Mr. Speaker, strip this case of its flaming drapery, and the nation would be astonished at the manner in which it is treated by the Government. The enemy chooses to open some of her colonies; she prefers that the benefits of that trade should be received by the northern and eastern part of the country. What her inducements and views are, is of no consequence. I do not believe that the inducement is to benefit this country, or any part of it, for the Prince Regent has not yet published his "love for the Americans."

The question is, whether this act is of such a nature as to justify us in closing the ports of the Northern and Eastern States—not against England, for against a trade with her they are already closed, but against all trade in neutral ships.

Sir, the people of those States have committed no offence meriting such punishment. They have already felt the hand of Government heavy upon them; and surely the present state of the nation should admonish gentlemen not to drive any section to despair of better days.

The honorable gentleman from South Carolina (Mr. LOWNDES) has pertinently asked, to what extent you would carry your new principles of honor and retaliation. The enemy spares the commerce of the East, and destroys that of the South; you must equalize them by destroying the former. You cannot stop here. If the enemy *blockades* the South, you must *embargo* New England. If he burns Charleston and Norfolk, you must burn New York and Boston. In fine, anything spared in one section of the Union by the enemy, which he has the power to destroy, and not spared in another, must be destroyed by our Government, by way of equalizing the burdens of the war.

Such are now the feelings displayed in this House, and in this Government. Such were not the feelings when France issued her Southern licenses; when she designated a few Southern ports as worthy to enjoy her trade, and closed it against all the cities of the East. Such were not the feelings when the last embargo was laid; when the Southern States had mostly exported their surplus produce, and the Northern and Eastern States, on account of the Winter there, had almost the whole on their hands.

It is most unfortunate that these high sensibilities, these patriotic feelings, are never indulged but at the expense of the northern and eastern sections of the Union.

The gentleman from South Carolina (Mr. CALHOUN,) to whom I have so often alluded, was disposed highly to compliment the people of the Northern States. He declared his full confidence in their fidelity, patriotism, and honor, and he believes that they will not only spurn with contempt the attempt to seduce them, but will hail the present measure as just, honorable, and wise. Sir, the patriotism of that people is undoubtedly as warm and as disinterested as that of any people on this globe; and if, indeed, this were an attack on their honor, they would need no such law as this to teach them their duty, or to compel them to perform it. But, sir, I do not believe that their patriotism will feel insulted. They will hardly be satisfied by flattery and compliment for this attack upon their commerce. I would not be surprised if they should answer the honorable gentleman somewhat in this manner: "Hands off, Mr. CALHOUN, if it please you; we do not dislike your compliments; indeed, we are pleased with the notes of this new tune from the South. We will do anything in reason to oblige you; but really, sir, to be complimented out of our commerce; to be flattered into poverty; to be cowed into service, is a little more than the rules of civility demand."

Sir, the people of New England know their duty, and they will perform it, without these unnecessary and insulting tones. They know their rights, also, and they will protect them at any and every hazard.

It has been avowed on this floor, [by Mr. Speaker CLAY,] that this bill is only one part of a contemplated system of rigid non-exportation. Have gentlemen reflected on the disastrous consequences of such a system at the present time? The district which I have the honor to represent, is a portion of an extensive tract of mercantile and agricultural country, extending up the Hudson river far into the interior of New York. The merchants and farmers of that country did believe, that when you appealed to arms, your restrictive system was at rest forever. They had a right so to believe, from the declarations of gentlemen on this floor, and from the unequivocal conduct of Government. Under this belief, during the present Winter, the merchants have constantly purchased produce at high and advanced prices. In the numerous villages scattered on either side of the Hudson river, and over immense tracts far to the west of it, the stores are groaning with the productions of their soil. Sir, when the Spring opens, they will find all their prospects blasted, and bankruptcy staring in their faces. Through the whole frozen interior of the North and East, the condition of the merchants and farmers is similar, and similar disastrous consequences will be realized.

We are involved in war with a nation powerful in her resources, clothed in complete armor, and to whom, from long habit, a state of warfare has become almost a national condition. We need all our resources and all our energies to save this war from a disgraceful conclusion. What then but madness can dictate a policy tending to dry up our resources and paralyze our energies. Wounded by the spear of war, what but downright political quackery could prescribe those "restrictive" nostrums, to restore the nation to health and vigor? Are the old chimerical notions of *starving* the enemy, yet floating in the brains of gentlemen? In despite of experience, do they yet believe that our blessed country *alone* can produce food for the world? Are the countries of the Baltic and Caspian seas no longer cultivated? Has the Nile ceased to fructify the fields of Egypt? Have Sicily and the Barbary coasts returned to a barren state of nature? Has France herself agreed to bury her surplus breadstuffs in the earth? Or has England lost that ascendency on the ocean, and forgot all those commercial arts, by which she was wont to procure supplies from all those countries? Seven years of restrictions have in vain been tried. Your enemy has laughed you to scorn, and your own people have cursed the policy that crushed their prosperity. There is no doubt, that, as at the time you laid the embargo, the closing of your ports now, might produce a temporary inconvenience to the enemy; but the measure would finally and permanently recoil on our merchants, and even farmers. These men have, therefore, a deep and vital interest in this question. Twice already they have been sacrificed to test the efficacy of our "restrictive energies."

Do you intend again to stretch them on the rack, again to cover the country with sackcloth and ashes? Is another brood of "restrictive" harpies, more unseemly and more hungry than their predecessors, to be let loose among them? And is

this bill a pioneer to the new swarms of "continental" locusts?

Mr. Speaker, I shudder when I behold that anti-commercial demon, which for seven years has been glutted with the mangled limbs of commerce, still hovering about this bill. The deluded people did believe that, when "you let slip the dogs of war," the monster had fallen, never again to trample down their rights, or devour the remnant of their prosperity. They were mistaken. He has risen invigorated from the blow; like the horse leech, he continues to cry, "give, give!" He never will be satisfied while the farmers of the North and the East are prosperous and powerful, or while the ships of an independent merchant, float safely and successfully on the ocean. Sir, I do trust in Heaven, that the people of this Union will not sleep forever—I do trust, that the time is not far distant when the rulers of this nation shall be compelled again to travel in the paths of peace, commerce, and honor. I do trust that this new system, fraught as it is with new destruction, will meet an effectual overthrow. On this floor, I have no hope of such an event. The current of influence is here too strong to be resisted. But if the God of nations "doth seek our rulers, and hath given our Senators wisdom," it must find its grave in the other branches of the Government.

Mr. Quincy opposed the bill, and after some remarks from Mr. Blackledge in reply to him, the question on concurring with the Committee of the Whole in their amendment was taken, to wit: to strike out from the fifth line of the first section, the words, "and every," and to insert, "wheat, flour, rice, cotton, tobacco, indigo, tar, pitch, or turpentine, or any other article, the growth, produce, or manufacture, of the United States:" And passed in the affirmative—yeas 69, nays 29, as follows:

Yeas—William Anderson, Stevenson Archer, David Bard, William Barnett, William W. Bibb, Abijah Bigelow, Elijah Brigham, Francis Carr, Epaphroditus Champion, Langdon Cheves, John Clopton, Lewis Condict, William Crawford, John Dawson, Joseph Desha, Samuel Dinsmoor, William Ely, James Emott, William Findley, James Fisk, Asa Fitch, Meshack Franklin, Thomas R. Gold, Charles Goldsborough, Isaiah L. Green, Thomas P. Grosvenor, Bolling Hall, Aylett Hawes, Jacob Hufty, Richard Jackson, jun., William Kennedy, Lyman Law, Peter Little, William Lowndes, Aaron Lyle, Thomas Moore, William McCoy, Alexander McKim, Arunah Metcalf, James Morgan, Jeremiah Morrow, Jonathan O. Moseley, Anthony New, Thomas Newbold, Thomas Newton, Stephen Ormsby, Timothy Pitkin, jun., James Pleasants, junior, Elisha R. Potter, Josiah Quincy, Wm. Reed, Samuel Ringgold, Thomas Sammons, Lemuel Sawyer, Ebenezer Seaver, Adam Seybert, Samuel Shaw, John Smith, Richard Stanford, Silas Stow, William Strong, Lewis B. Sturges, Samuel Taggart, John Taliaferro, Benjamin Tallmadge, Laban Wheaton, Leonard White, Robert Whitehill, and Robert Wright.

Nays—Willis Alston, junior, John Baker, Burwell Bassett, Wm. Blackledge, Robert Brown, William Butler, John C. Calhoun, James Cochran, Roger Davis, Elias Earle, Peterson Goodwyn, Obed Hall, Joseph Kent, William R. King, Abner Lacock, Joseph Lewis, junior, Hugh Nelson, Joseph Pearson, Israel Pickens, William Piper, John Randolph, John Rhea, John Roane, Jonathan Roberts, Thomas B. Robertson, William Rodman, Daniel Sheffey, Charles Turner, jun., and Richard Winn.

The other amendments, reported by the Committee of the whole House, were then concurred in: and a motion was then made by Mr. Goldsborough, to amend the bill by inserting, after the word "thereof," the words "for any port in the British West Indies, and in the British dominions on the continent of South America," and the question being taken, it was determined in the negative.

The question was then taken that the bill be engrossed, and read the third time; and passed in the affirmative—yeas 59, nays 45, as follows:

Yeas—William Anderson, Stevenson Archer, David Bard, William Barnett, Burwell Bassett, William W. Bibb, Robert Brown, William Butler, John C. Calhoun, James Cochran, John Clopton, Lewis Condict, William Crawford, Richard Cutts, John Dawson, Joseph Desha, Samuel Dinsmoor, Elias Earle, William Findley, James Fisk, Meshack Franklin, Peterson Goodwyn, Isaiah L. Green, Bolling Hall, Obed Hall, Aylett Hawes, Abner Lacock, Peter Little, Aaron Lyle, Thomas Moore, William McCoy, Alexander McKim, Arunah Metcalf, Samuel L. Mitchill, James Morgan, Jeremiah Morrow, Hugh Nelson, Anthony New, Thomas Newton, Stephen Ormsby, William Piper, James Pleasants, jr., Elisha R. Potter, William Reed, Samuel Ringgold, John Rhea, John Roane, Jonathan Roberts, Ebenezer Seaver, Adam Seybert, Samuel Shaw, George Smith, William Strong, John Taliaferro, George M. Troup, Charles Turner, junior, Robert Whitehill, and Richard Winn.

Nays—John Baker, Abijah Bigelow, William Blackledge, Harmanus Bleecker, Elijah Brigham, Francis Carr, Epaphroditus Champion, Langdon Cheves, Martin Chittenden, John Davenport, junior, William Ely, James Emott, Asa Fitch, Charles Goldsborough, Thomas P. Grosvenor, Jacob Hufty, Richard Jackson, junior, William Kennedy, Joseph Kent, William R. King, Lyman Law, Joseph Lewis, jun., William Lowndes, James Milnor, Jonathan O. Moseley, Thomas Newbold, Joseph Pearson, Timothy Pitkin, junior, Josiah Quincy, John Randolph, Thomas B. Robertson, Wm. Rodman, Thomas Sammons, Lemuel Sawyer, Daniel Sheffey, John Smith, Richard Stanford, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Peleg Tallman, Laban Wheaton, Leonard White, Thomas Wilson, and Robert Wright.

The bill was then ordered to be read the third time to-day, which was accordingly done, and the bill passed.

CONSTITUTION AND JAVA.

The House took up for consideration the resolution from the Senate requesting the President of the United States to present to Captain William Bainbridge a gold medal, with suitable inscriptions, and to the officers of the frigate Constitution silver medals, in testimony of the high sense entertained by Congress of their gallantry and skill in achieving the capture and destruction of the British frigate Java; which was read three times, and passed.

The House went into a Committee of the Whole on the bill allowing a bounty to privateers; but the Committee being unable to progress for want of a quorum, it rose and reported the fact to the House; and the bill and report were ordered to lie on the table, and the House adjourned.

WEDNESDAY, March 3.

The SPEAKER laid before the House a memorial of the Legislature of the Indiana Territory, praying that further time may be allowed to the purchasers of public lands to complete their payments; which was ordered to lie on the table.

Mr. CHEVES, from the Committee of Ways and Means, reported the bill from the Senate "for the relief of Nathaniel G. Ingraham, Alexander Phœnix, and William Nexsen, jr.," with amendments; which was read, and agreed to by the House, and ordered to be engrossed for a third reading. The said amendments being engrossed, the bill was read the third time, as amended, and passed.

A message from the Senate informed the House that the Senate have passed the bill "to alter the times of holding the District Courts in the respective districts of New York and Virginia, and to authorize the district judges to appoint commissioners to take affidavits and bail in certain cases," with amendments; the bill "altering the time for holding the district court in the district of Maine; the bill "making appropriations for the support of the Navy of the United States, for the year 1813," with amendments; the bill "making appropriations for the support of the Military Establishment, and of the volunteer militia in the actual service of the United States for the year 1813;" the bill "supplementary to an act for increasing the Navy of the United States," with amendments. The Senate have also passed a bill "authorizing the payment for wagons and teams captured or destroyed by the enemy;" in all which amendments and bill they desire the concurrence of this House.

The bill from the Senate authorizing the payment for wagons and teams captured or destroyed by the enemy, was read twice, and, on motion, committed to a Committee of the whole House.

The amendments of the Senate to the bill "to alter the times of holding the district courts in the respective districts of New York and Virginia, and to authorize the district judges to appoint commissioners to take affidavits and bail in certain cases," were read, and concurred in by the House.

The amendments of the Senate to the bill "supplementary to an act for increasing the Navy of the United States," were read, and concurred in by the House.

The amendments of the Senate to the bill "making appropriations for the support of the Navy of the United States for the year 1813," were read, and committed to a Committee of the Whole House.

The House then resolved itself into a Committee of the Whole on the said amendments. The Committee reported their agreement thereto, and the amendments were concurred in by the House.

The House then resolved itself into a Committee of the Whole on the said bill. It was reported without amendment, and ordered to be read the third time to-day. The bill was read the third time, and ordered to lie on the table.

On motion of Mr. REED,

Resolved, That the Secretary of the Navy be, and he is hereby, directed to report to this House, at the next session of Congress, a statement of the number of Navy Yards belonging to, and occupied for the use of the United States; the accommodations provided in each, with the number of officers and men attached to each, with their rank and pay; also, the quantity and species of timber provided in each. Also, a statement of the expenditures made in each yard during the year 1811 and 1812; the number of vessels repaired during that time, with the species, quantity, and cost of repairs on each vessel, and the manner in which such repairs have been made, whether by contract or otherwise, and the terms. Also, the amount of timber provided under the law making an annual appropriation of two hundred thousand dollars, with a statement of the contracts made under said act, and the terms thereof: Also, the number of officers in the naval service of the United States, their rank, pay, and employ.

Mr. CHEVES, from the committee of naval inquiry, appointed at the last session, reported that the committee had collected many facts, but, owing to the pressure of other business, had not been able to conclude the proposed investigation. The facts which the committee had collected, however, he thought might be materially useful to the Navy Department; and he therefore moved to refer the documents to the Secretary of the Navy.—Agreed to

The bill to authorize the Secretary of the Treasury to provide new certificates of registry, passed through a Committee of the Whole, was ordered to be engrossed for a third reading, and was read a third time, and passed.

The bill allowing a bounty to privateers was passed through a Committee of the Whole, and ordered to lie on the table, under the impression that it could not be acted on at the present session.

The bill from the Senate for the relief of the representatives of Samuel Lapsley, deceased, went through a Committee of the Whole, was ordered to a third reading, and passed; as also was the bill continuing in force the act declaring the assent of Congress to an act of the Legislature of Georgia imposing certain port duties, the latter being much opposed, and passed by yeas and nays, 48 to 28, as follows:

YEAS—Willis Alston, jr., William Anderson, William Barnett, Burwell Bassett, William W. Bibb, William Blackledge, Robert Brown, John C. Calhoun, Langdon Cheves, John Clopton, Roger Davis, Joseph

Desha, Samuel Dinsmoor, Meshack Franklin, Bolling Hall, Obed Hall, Aylett Hawes, Joseph Kent, William R. King, Abner Lacock, Peter Little, Wm. Lowndes, Aaron Lyle, William McCoy, Alexander McKim, Samuel L. Mitchill, Jeremiah Morrow, Hugh Nelson, Thomas Newton, Stephen Ormsby, Israel Pickens, Wm. Piper, James Pleasants, jun., John Rhea, Jonathan Roberts, Thomas B. Robertson, William Rodman, Lemuel Sawyer, Adam Seybert, Samuel Shaw, George Smith, John Smith, William Strong, John Taliaferro, George M. Troup, Robert Whitehill, Richard Winn, and Robert Wright.

Nays—Stevenson Archer, John Baker, Abijah Bigelow, Epaphroditus Champion, Lewis Condict, Richard Cutts, John Davenport, jun., William Ely, James Fisk, Thomas R. Gold, Isaiah L. Green, Thomas P. Grosvenor, Jacob Hufty, Lyman Law, Joseph Lewis, jun., James Morgan, Jonathan O. Moseley, Thomas Newbold, Joseph Pearson, Timothy Pitkin, junior, Elisha R. Potter, John Randolph, Ebenezer Seaver, Lewis B. Sturges, Samuel Taggart, Benjamin Tallmadge, Charles Turner, jr., and Leonard White.

And there being but little business, and much difficulty in keeping a quorum, the House adjourned to 5 o'clock.

Evening Sitting, 5 o'clock.

The bills from the Senate for the relief of Louis Chacherie, and for the relief of Washington Lee, went through Committees of the Whole, and were read a third time and passed.

A Message was received from the President of the United States, transmitting a roll of the persons holding office or employment under the authority of the United States, in conformity to a resolution of this House, of the 27th January; and was ordered to lie on the table.

A very desultory conversation took place on the printing this document; which was at length ordered to be printed by yeas and nays, 78 to 13.

A Message was received from the President of the United States in compliance with the reslution of the House, of Monday, transmitting certain documents touching our relations with France, not heretofore communicated.

On motion of Mr. Sawyer,

Resolved unanimously, That the thanks of this House be presented to Henry Clay, in testimony of their approbation of his conduct in the discharge of the arduous duties assigned him while in the Chair.

Whereupon, the Hon. Speaker rose and made the following observations:

"I thank you, gentlemen, for the testimony you have just so kindly delivered in approbation of my conduct in the Chair. Amidst the momentous subjects of deliberation which undoubtedly distinguish the 12th Congress as the most memorable in the annals of America, it has been a source of animating consolation to me, that I have never failed to experience the liberal support of gentlemen in all quarters of the House. If in the moment of ardent debate, when all have been struggling to maintain the best interests of our beloved country as they have appeared to us respectively, causes of irritation have occurred, let us consign them to oblivion, and let us in the painful separation which is about to ensue, perhaps forever, cherish and cultivate a recollection only of the many agreeable hours we have spent together. Allow me, gentlemen, to express the fervent wish that one and all of you may enjoy all possible individual happiness, and that in the return to your several homes you may have pleasant journeys."

ARMED VESSELS OF THE ENEMY.

The bill to encourage the destruction of the armed vessels of war of the enemy, went through a Committee of the Whole and was reported to the House.

A motion was made to postpone the same indefinitely, and negatived.

For indefinite postponement 41, against it 43.

The bill was then ordered to a third reading, by the following vote, by yeas and nays. For the third reading 55, against it 35, as follows:

Yeas—William Anderson, Stevenson Archer, Burwell Bassett, William W. Bibb, William Blackledge, William Butler, James Cochran, John Clopton, Lewis Condict, Roger Davis, John Dawson, Joseph Desha, Samuel Dinsmoor, Elias Earle, William Findley, Jas. Fisk, Meshack Franklin, Isaiah L. Green, Bolling Hall, Obed Hall, Aylett Hawes, William Kennedy, Joseph Kent, William R. King, Abner Lacock, Peter Little, Aaron Lyle, Thomas Moore, William McCoy, Alexander McKim, Arunah Metcalf, Samuel L. Mitchill, James Morgan, Thomas Newton, Stephen Ormsby, Israel Pickens, William Piper, James Pleasants, jun., Peter B. Porter, Samuel Ringgold, John Rhea, John Roane, Jonathan Roberts, Thomas B. Robertson, Lemuel Sawyer, Samuel Shaw, George Smith, John Smith, Richard Stanford, William Strong, John Taliaferro, George M. Troup, Charles Turner, jun., Richard Winn, and Robert Wright.

Nays—John Baker, David Bard, William Barnett, Abijah Bigelow, Harmanus Bleecker, Elijah Brigham, John C. Calhoun, Epaphroditus Champion, William Crawford, John Davenport, jun., William Ely, James Emott, Charles Goldsborough, Thomas P. Grosvenor, Jacob Hufty, Richard Jackson, junior, Lyman Law, Joseph Lewis, jun., William Lowndes, Jonathan O. Moseley, Thomas Newbold, Joseph Pearson, Timothy Pitkin, jun., Elisha R. Potter, Josiah Quincy, John Randolph, William Reed, William Rodman, John Sevier, Adam Seybert, Daniel Sheffey, Philip Stuart, Lewis B. Sturges, Samuel Taggart, and Leonard White.

And the bill was accordingly read a third time.

A motion was made by Mr. Lewis to postpone the further consideration of the bill to the 4th Monday in May. Negatived. For postponement 37, against it 45.

The question on the passage of the bill was then decided in the affirmative, ayes 50.

Mr. Turner moved the following resolution:

Resolved, That five hundred copies of the communication of the President of the United States, communicated this day, with the list of officers of the United States, and also five hundred copies of the President's Message of this date, and accompanying documents relative to our relations with the Government of France, be printed for the use of the members of this and of the next Congress.

The question to consider the resolution was taken, and determined in the negative.

QUOTA OF THE DIRECT TAX.

Mr. BIGELOW moved the following resolution:

Resolved, That the Secretary of the Treasury be directed to lay before this House, at the next session of Congress, a statement showing the quota payable by each State, of the direct tax laid by the act, entitled "An act to lay and collect a direct tax within the United States;" the amount of said tax that has been paid into the Treasury from each State, respectively, and the respective sums and duties of payment; the expenses in each State of collecting said tax, the losses that have been sustained in each State, and the causes thereof, and the balance of each State's quota of the said tax now due.

The question was taken that the House do now proceed to consider the said resolution, and passed in the affirmative—yeas 42, nays 37, as follows:

YEAS—William Anderson, John Baker, William Barnett, William W. Bibb, Abijah Bigelow, Elijah Brigham, Epaphroditus Champion, Langdon Cheves, John Clopton, William Crawford, Richard Cutts, John Davenport, jr., William Ely, James Emott, Meshack Franklin, Thomas P. Grosvenor, Aylett Hawes, Jacob Hufty, Richard Jackson, jun., William Kennedy, Lyman Law, Joseph Lewis, jun., James Morgan, Jeremiah Morrow, Jonathan O. Moseley, Thomas Newbold, Thomas Newton, Joseph Pearson, Timothy Pitkin, junior, James Pleasants, junior, Elisha R. Potter, Josiah Quincy, William Reed, William Rodman, John Sevier, Daniel Sheffey, Rich'd Stanford, Philip Stuart, Lewis B. Sturges, Samuel Taggart, Leonard White, and Robert Wright.

NAYS—Stevenson Archer, William Blackledge, William Butler, John C. Calhoun, James Cochran, Roger Davis, John Dawson, Joseph Desha, Elias Earle, Jas. Fisk, Peterson Goodwyn, Isaiah L. Green, Bolling Hall, Obed Hall, Joseph Kent, Peter Little, William Lowndes, Aaron Lyle, Thomas Moore, William McCoy, Alexander McKim, Arunah Metcalf, Samuel L. Mitchill, Hugh Nelson, Stephen Ormsby, Israel Pickens, William Piper, Peter B. Porter, Samuel Ringgold, John Rhea, John Roane, Jonathan Roberts, Thomas B. Robertson, Samuel Shaw, George Smith, William Strong, and Charles Turner, junior.

Ordered, That the said resolution do lie on the table.

CLOSING BUSINESS.

On motion of Mr. DAWSON, a committee was appointed, jointly, with a committee to be appointed by the Senate, to wait upon the President of the United States, and inform him that the two Houses are now ready to adjourn, and desire to know whether he has any further communication to make to them during the present session.

Messrs. DAWSON and GROSVENOR were appointed the committee on the part of the House.

A message from the Senate informed the House that the Senate have passed the bill "concerning invalid pensioners," with an amendment; the bill "making an appropriation for alterations and repairs in the Capitol;" the bill "authorizing the Secretary of the Treasury to provide new certificates of registry;" the bill "supplementary to the acts heretofore passed upon the subject of an uniform rule of naturalization," with amendments. The Senate have also passed a bill "to provide for the accommodation of the President of the United States;" in all which amendments and bill they desire the concurrence of this House. The Senate agree to the resolution for the appointment of a joint committee to wait on the President of the United States, and notify him of the proposed recess of Congress, and have appointed a committee on their part.

For some time a quorum was not present.

Bills from the Senate were waiting. A call of the House was had, and it appeared that sixty-four members only were present.

After receiving from the President all the bills which had passed, and being informed by the committee that he had no further communications to make, the House adjourned *sine die*.

APPENDIX

TO THE HISTORY OF THE TWELFTH CONGRESS.

[SECOND SESSION.]

COMPRISING THE MOST IMPORTANT DOCUMENTS ORIGINATING DURING THAT CONGRESS, AND THE PUBLIC ACTS PASSED BY IT.

GREAT BRITAIN.

[Communicated to Congress by the Messages of November 4,* 12, and 18, 1812.]

To the Senate and House of Representatives of the United States:

For the further information of Congress relative to the pacific advances made on the part of this Government to that of Great Britain, and the manner in which they have been met by the latter, I transmit the sequel of the communications on that subject received from the late Chargé d'Affaires at London.

JAMES MADISON.

NOVEMBER 12, 1812.

To the Senate and House of Representatives of the United States:

I transmit to Congress copies of a communication from Mr. Russell to the Secretary of State. It is connected with the correspondence accompanying my Message of the 12th instant, but had not, at that date, been received.

JAMES MADISON.

NOVEMBER 18, 1812.

Extract—Mr. Monroe to Mr. Russell.

JUNE 26, 1812.

This letter is committed to Mr. Foster, who has promised to deliver it to you in safety.

On the 18th of this month a declaration of war against Great Britain passed Congress. I send you a copy of the act, of the President's Message, and of the report of the Committee of Foreign Relations, which brought the subject under consideration.

This measure has been produced by the continued aggressions of the British Government on the rights of the United States, and the presumption arising from that and other facts, which it is unnecessary to recite, that no favorable change of policy might be expected from it. It was impossible for the United States to surrender their rights, by relinquishing the ground which they had taken; and it was equally incompatible with their interests and character to rely longer on measures which had failed to accomplish their objects. War was the only remaining alternative; and that fact being clearly ascertained, you will find by the documents transmitted, that it was adopted with decision.

As war has been resorted to by necessity, and, of course, with reluctance, this Government looks forward to the restoration of peace with much interest, and a sincere desire to promote it on conditions just, equal, and honorable to both parties. It is in the power of Great Britain to terminate the war on such conditions, and it would be very satisfactory to the President to meet it in arrangements to that effect.

Although there are many just and weighty causes of complaint against Great Britain, you will perceive, by the documents transmitted, that the Orders in Council, and other blockades, illegal, according to the principles lately acknowledged, and the impressment of our seamen, are considered to be of the highest importance. If the Orders in Council are repealed, and no illegal blockades are substituted for them, and orders are given to discontinue the impressment of seamen from our vessels, and to restore those already impressed, there is no reason why hostilities should not immediately cease. Securing these objects, you are authorized to stipulate an armistice, to commence from the signature of the instrument providing for it, or at the end of fifty or sixty days, or other the shortest term that the British Government will assent to. Definitive arrangements will be made on these and every other difference by a treaty, to be concluded either here or at London, though it is much desired that the subject should be entered on in this city.

As an inducement to the British Government to discontinue the practice of impressments from our vessels, you may give assurance that a law will be passed (to be reciprocal) to prohibit the employment of British seamen in the public or commercial service of the United States. There can be no doubt that such an arrangement would prove much more efficacious in securing to Great

*For Message of November 4, 1812, see Senate proceedings, *ante*, page 11, of this volume.

Britain her seamen, than the practice to which it is proposed to be a substitute, independent of all the other objections to it.

Indemnity for injuries received under the Orders in Council, and other edicts violating our rights, seems to be incident to their repeal; but the President is willing that the consideration of that claim should not be pressed at this time, so as to interfere with the preliminary arrangement alluded to. It will be proper to bring it into view, merely to show that it is expected that provision will be made for it in the treaty which is to follow. Every other interest may also be provided for at the same time.

It is hoped that the British Government will find it consistent with its interest and honor to terminate the war by an armistice, in the manner and on the conditions proposed. In so doing, it will abandon no right, it will sacrifice no interest; it will abstain only from violating our rights, and, in return, it will restore peace with the Power from whom, in a friendly commercial intercourse, so many advantages will be derived, not to mention the injuries which cannot fail to result from a prosecution of the war.

Mr. Monroe to Mr. Russell.

DEPARTMENT OF STATE, *July* 27, 1812.

SIR: I wrote you on the 26th of June, by Mr. Foster, a letter, which he promised to deliver you in person, or by a safe hand.

In that letter you were informed that the Orders in Council, and other illegal blockades, and the impressment of our seamen by Great Britain, as you well knew before, were the principal causes of the war; and that, if they were removed, you might stipulate an armistice, leaving them and all other grounds of difference for final and more precise adjustment by treaty. As an inducement to the British Government to discontinue the practice of impressment from our vessels, by which alone our seamen can be made secure, you were authorized to stipulate a prohibition by law, to be reciprocal, of the employment of British seamen in the public or commercial service of the United States. As such an arrangement, which might be made completely effectual and satisfactory by suitable regulations and penalties, would operate almost exclusively in favor of Great Britain—for, as few of our seamen ever enter voluntarily into the British service, the reciprocity would be nominal—its advantage to Great Britain would be more than an equivalent for any she derives from impressment, which alone ought to induce her to abandon the practice, if she had no other motive for it. A stipulation to prohibit by law the employment of British seamen in the service of the United States is to be understood in the sense and spirit of our Constitution. The passage of such a law must depend of course on Congress, who, it might reasonably be presumed, would give effect to it.

By authorizing you to secure these objects as the grounds of an armistice, it was not intended to restrict you to any precise form in which it should be done. It is not particularly necessar that the several points should be specially pr vided for in the convention stipulating the arm stice. A clear and distinct understanding wit the British Government on the subject of impress ment, comprising in it the discharge of the me already impressed, and on future blockades, if th Orders in Council are revoked, is all that is ir dispensable. The Orders in Council being re voked, and the proposed understanding on th other points, that is, on blockades and impress ment, being first obtained in a manner, thoug informal, to admit of no mistake or disagreemen hereafter, the instrument providing for the armi stice may assume a general form, especially more agreeable to the British Government. I may, for example, be said in general terms, "tha both Powers being sincerely desirous to terminat the differences which unhappily subsist betwee them, and equally so that full time should be giv en for the adjustment thereof, agree

"1. That an armistice shall take place for tha purpose, to commence on the —— day of ——;

"2. That they will forthwith appoint on eac side commissioners with full power to form treaty, which shall provide, by reciprocal arrange ments, for the security of their seamen from be ing taken or employed in the service of the othe Power, for the regulation of their commerce, an all other interesting questions now dependin between them.

"3. The armistice shall not cease without a pre vious notice by one to the other party of —— days, and shall not be understood as having othe effect than merely to suspend military operation by land and by sea."

By this you will perceive that the President i desirous of removing every obstacle to an accom modation, which consists merely of form. Secur ing in a safe and satisfactory manner the right and interests of the United States, in these tw great and essential circumstances, as it is pre sumed may be accomplished by the proposed understanding, he is willing that it be done in a manner the most satisfactory and honorable t Great Britain, as well as to the United States.

I have the honor to be, &c.

JAMES MONROE.

Mr. Graham to Mr. Russell.

DEPARTMENT OF STATE, *Aug.* 9, 1812.

SIR: The Secretary left this city about te days ago on a short visit to Virginia. Since tha period, Mr. Baker has, in consequence of som despatches from his Government, addressed t Mr. Foster, made to me a communication respect ing the intentions of his Government, as regard the Orders in Council. It was of a character, how ever, so entirely informal and confidential, tha Mr. Baker did not feel himself at liberty to mak it in the form of a note, verbal, or *pro memoria* or even to permit me to make a memorandum o it at the time he made it. As it authorizes an expectation that something more precise and def inite, in an official form, may soon be received by

his Government, it is the less necessary that I would go into an explanation of the views of the resident in relation to it, more particularly as e Secretary of State is daily expected, and will able to do it in a manner more satisfactory.

I refer you to the enclosed papers for informaon as to the maritime and military movements cident to the war, and will add, that the Presient is anxious to know, as soon as possible, the sult of the proposals you were authorized to ake to the British Government respecting an rmistice. He considers them so fair and reaonable, that he cannot but hope that they will e acceded to, and thus be the means of hastenig an honorable and permanent peace.

I have the honor, &c.

JOHN GRAHAM.

Mr. Graham to Mr. Russell.

DEPARTMENT OF STATE, *Aug.* 10, 1812.

SIR: Thinking that it may possibly be useful o you, I do myself the honor to enclose a memoandum of the conversation between Mr. Baker nd myself, alluded to in my letter of yesterday's ate. From a conversation with Mr. Baker since his memorandum was made, I find that I was orrect in representing to the President that the ntimation from Mr. Foster and the British auhorities at Halifax was to be understood as conected with a suspension of hostilities on the ontiers of Canada.

I have the honor, &c.

JOHN GRAHAM.

[Memorandum referred to in the above letter.]

Mr. Baker verbally communicated to me, for he information of the President, that he had reeived despatches from his Government addressed o Mr. Foster, dated, I believe, about the 17th of une, from which he was authorized to say that n official declaration would be sent to this ountry; that the Orders in Council, so far as hey affected the United States would be rebealed on the first of August, to be revived on he 1st of May, 1813, unless the conduct of the French Government, and the result of the comunications with the American Government, hould be such as, in the opinion of His Majesty, o render their revival unnecessary. Mr. Baker, moreover, stated that the orders would be revived, provided the American Government did ot, within fourteen days after they received the official declaration of their repeal, admit British armed vessels into their ports, and put an end to the restrictive measures which had grown out of the Orders in Council.

The despatches authorizing this communication to the American Government expressly directed that it should be made verbally, and Mr. Baker did not consider himself at liberty to reduce it to writing, even in the form of a note verbal, or *pro memoria*, or to suffer me to take a memorandum of his communication at the time he made it. I understood from him that the despatches had been opened by Mr. Foster at Halifax, who, in consequence of a conversation he had had with Vice-Admiral Sawyer and Sir John Sherbroke, had authorized Mr. Baker to say that these gentlemen would agree, as a measure leading to a suspension of hostilities, that all captures made after a day to be fixed, should not be proceeded against immediately, but be detained to await the future decision of the two Governments. Mr. Foster had not seen Sir George Prevost, but had written to him by express, and did not doubt but that he would agree to an arrangement for the temporary suspension of hostilities. Mr. Baker also stated that he had received an authority from Mr. Foster to act as Chargé des Affaires, provided the American Government would receive him in that character, for the purpose of enabling him officially to communicate the declaration which was to be expected from the British Government. His functions to be understood, of course, as ceasing on the renewal of hostilities.

I replied, that although to so general and informal a communication no answer might be necessary, and certainly no particular answer expected, yet I was authorized to say that the communication is received with sincere satisfaction, as it is hoped that the spirit in which it was authorized by his Government may lead to such further communications as will open the way, not only for an early and satisfactory termination of existing hostilities, but to that entire adjustment of all the differences which produced them, and to that permanent peace and solid friendship which ought to be mutually desired by both countries, and which is sincerely desired by this. With this desire, an authority was given to Mr. Russell on the subject of an armistice, as introductory to a final pacification, as has been made known to Mr. Foster; and the same desire will be felt on the receipt of the further and more particular communications which are shortly to be expected, with respect to the joint intimation from Mr. Foster and the British authorities at Halifax on the subject of suspending judicial proceedings in the case of maritime captures, to be accompanied by a suspension of military operations. The authority given to Mr. Russell just alluded to, and of which Mr. Foster was the bearer, is full proof of the solicitude of the Government of the United States to bring about a general suspension of hostilities on admissible terms, with as little delay as possible. It was not to be doubted, therefore, that any other practicable expedient for attaining a similar result would readily be concurred in. Upon the most favorable consideration, however, which could be given to the expedient suggested through him, it did not appear to be reducible to any practical shape to which the Executive would be authorized to give it the necessary sanction; nor, indeed, is it probable, if it was less liable to insuperable difficulties, that it could have any material effect previous to the result of the pacific advance made by this Government, and which must, if favorably received, become operative as soon as any other arrangement tha

could now be made. It was stated to Mr. Baker that the President did not, under existing circumstances, consider Mr. Foster as vested with the power of appointing a Chargé des Affaires; but that no difficulty in point of form would be made, as any authentic communication through him, or any other channel, would be received with attention and respect.

Extract—Secretary of State to Mr. Russell.

DEPARTMENT OF STATE,
August 21, 1812.

My last letter to you was of the 27th July, and was forwarded by the British packet the Althea, under the special protection of Mr. Baker. The object of that letter, and of the next preceding one of the 26th June, was to invest you with power to suspend, by an armistice, on such fair conditions as it was presumed could not be rejected, the operation of the war, which had been brought on the United States by the injustice and violence of the British Government. At the moment of the declaration of war, the President, regretting the necessity which produced it, looked to its termination and provided for it; and happy will it be for both countries if the disposition felt, and the advance thus made on his part, are entertained and met by the British Government in a similar spirit.

You have been informed by Mr. Graham of what passed in my late absence from the city, in an interview between Mr. Baker and him, in consequence of a despatch from the British Government to Mr. Foster, received at Halifax, just before he sailed for England, and transmitted by him to Mr. Baker, relating to a proposed suspension or repeal of the British Orders in Council. You will have seen, by the note forwarded to you by Mr. Graham, of Mr. Baker's communication to him, that Mr. Foster had authorized him to state that the commanders of the British forces at Halifax would agree to a suspension, after a day to be fixed, of the condemnation of prizes, to await the decision of both Governments, without, however, preventing captures on either side. It appears, also, that Mr. Foster had promised to communicate with Sir George Prevost, and to advise him to propose to our Government an armistice.

Sir George Prevost has since proposed to General Dearborn, at the suggestion of Mr. Foster, a suspension of offensive operations by land, in a letter which was transmitted by the General to the Secretary at War. A provisional agreement was entered into between General Dearborn and Colonel Baynes, the British Adjutant General, bearer of General Prevost's letter, that neither party should act offensively before the decision of our Government should be taken on the subject.

Since my return to Washington the document alluded to in Mr. Foster's despatch, as finally decided on by the British Government, has been handed to me by Mr. Baker, with a remark that its authenticity might be relied on. Mr. Baker added that it was not improbable that the admiral at Halifax might agree likewise to a suspension of captures, though he did not profess to appear to be acquainted with his sentiments on that point.

On full consideration of all the circumstances which merit attention, the President regrets that it is not in his power to accede to the proposed arrangement. The following are among the principal reasons which have produced this decision:

1. The President has no power to suspend judicial proceedings on prizes. A capture, if lawful, vests a right over which he has no control. Nor could he prevent captures otherwise than by an indiscriminate recall of the commissions granted to our privateers, which he could not justify under existing circumstances.

2. The proposition is not made by the British Government, nor is there any certainty that it would be approved by it. The proposed arrangement, if acceded to, might not be observed by the British officers themselves, if their Government in consequence of the war, should give them instructions of a different character, even if they were given without a knowledge of the arrangement.

3. No security is given or proposed as to the Indians, nor could any be relied on. They have engaged in the war on the side of the British Government, and are now prosecuting it with vigor, in their usual savage mode. They can only be restrained by force when once let loose, and that force has already been ordered out for the purpose.

4. The proposition is not reciprocal, because it restrains the United States from acting where their power is greatest, and leaves Great Britain at liberty and gives her time to augment her forces in our neighborhood.

5. That as a principal object of war is to obtain redress against the British practice of impressment, an agreement to suspend hostilities, even before the British Government is heard from on that subject, might be considered a relinquishment of that claim.

6. It is the more objectionable, and of less importance, in consideration of the instructions heretofore given you, which, if met by the British Government, may have already produced the same result in a greater extent and more satisfactory form.

I might add that the declaration itself is objectionable in many respects, particularly the following:

1. Because it asserts a right in the British Government to restore the Orders in Council, or any part thereof, to their full effect, on a principle of retaliation on France, under circumstances of which she alone is to judge; a right which this Government cannot admit, especially in the extent heretofore claimed and acted on by the British Government.

2. That the repeal is founded exclusively on the French decree of 28th April, 1811, by which the repeal of the decrees of Berlin and Milan, announced on the 5th August, 1810, to take effect

n the 1st of November of that year, at which ime their operation actually ceased, is disregarded, s are the claims of the United States arising rom the repeal on that day, even according to he British pledge.

3. That even if the United States had no right o claim the repeal of the British Orders in Coun- il prior to the French decree of the 28th of April, 1811, nor before the notification of that ecree to the British Government on the 20th of May of the present year, the British repeal ought o have borne date from that day, and been sub- ect to none of the limitations attached to it.

These remarks on the declaration of the Prince Regent, which are not pursued with rigor, nor in he full extent which they might be, are appli- able to it, in relation to the state of things which xisted before the determination of the United States to resist the aggressions of the British Government by war. By that determination the elations between the two countries have been ltogether changed; and it is only by a termina- ion of the war, or by measures leading to it by onsent of both Governments, that its calam- ities can be closed or mitigated. It is not now question whether the declaration of the Prince Regent is such as ought to have produced a re- eal of the non-importation act, had not war been eclared; because, by the declaration of war, that uestion is superseded, and the non-importation ct having been continued in force by Congress, nd become a measure of war, and among the nost efficient, it is no longer subject to the con- rol of the Executive in the sense and for the pur- ose for which it was adopted. The declaration, owever, of the Prince Regent will not be without ffect. By repealing the Orders in Council, with ut reviving the blockade of May 1806, or any ther illegal blockade, as is understood to be the ase, it removes a great obstacle to an accommo- ation. The President considers it an indication f a disposition in the British Government to ac- ommodate the differences which subsist between he countries, and I am instructed to assure you hat, if such disposition really exists, and is per- evered in, and is extended to other objects, es- ecially the important one of impressment, a urable and happy peace and reconciliation can- ot fail to result from it.

Mr. Russell to Mr. Monroe.

LONDON, *Sept.* 1, 1812.

SIR: You will perceive by the enclosed copies f notes which have passed between Lord Cas- lereagh and me, that the moderate and equitable erms proposed for a suspension of hostilities ave been rejected, and that it is my intention to eturn immediately to the United States.

My continuance here, after it has been so roadly intimated to me by his Lordship that I am no longer acknowledged in my diplomatic capacity, and after a knowledge that instructions are given to the British Admiral to negotiate an arrangement on the other side of the Atlantic, would, in my view of the subject, not only be useless, but improper.

It is probable, however, that the vessel in which I propose to embark will not take her departure before the 15th or 20th of this month.

I have the honor to be, &c.

JONA. RUSSELL.

JAMES MONROE, Esq., &c.

Mr. Russell to Lord Castlereagh.

LONDON, *August* 24, 1812.

MY LORD: It is only necessary, I trust, to call the attention of your Lordship to a review of the conduct of the Government of the United States, to prove, incontrovertibly, its unceasing anxiety to maintain the relations of peace and friendship with Great Britain. Its patience in suffering the many wrongs which it has received, and its perseverance in endeavoring, by amicable means, to obtain redress, are known to the world. Despairing at length of receiving this redress from the justice of the British Government, to which it had so often applied in vain, and feeling that a further forbearance would be a virtual surrender of interests and rights essential to the prosperity and independence of the nation confided to its protection, it has been compelled to discharge its high duty by an appeal to arms. While, however, it regards this course as the only one which remained for it to pursue, with a hope of preserving any portion of that kind of character which constitutes the vital strength of every nation, yet it is still willing to give another proof of the spirit which has uniformly distinguished its proceedings, by seeking to arrest, on terms consistent with justice and honor, the calamities of war. It has, therefore, authorized me to stipulate with His Britannic Majesty's Government an armistice, to commence at or before the expiration of sixty days after the signature of the instrument providing for it, on condition that the Orders in Council be repealed, and no illegal blockades be substituted for them; and that orders be immediately given to discontinue the impressment of persons from American vessels, and to restore the citizens of the United States already impressed; it being, moreover, well understood that the British Government will assent to enter into definitive arrangements, as soon as may be, on these and every other difference, by a treaty to be concluded either at London or Washington, as, on an impartial consideration of existing circumstances, shall be deemed most expedient.

As an inducement to Great Britain to discontinue the practice of impressment from American vessels, I am authorized to give assurance that a law shall be passed (to be reciprocal) to prohibit the employment of British seamen in the public or commercial service of the United States. It is sincerely believed that such an arrangement would prove more efficacious in securing to Great Britain her seamen than the practice of impressment, so derogatory to the sovereign attributes of the United States, and so incompatible with the personal rights of their citizens.

Your Lordship will not be surprised that I have presented the revocation of the Orders in Coun-

cil as a preliminary to the suspension of hostilities, when it is considered that the act of the British Government of the 23d June last, ordaining that revocation, is predicated on conditions, the performance of which is rendered impracticable by the change which is since known to have occurred in the relations between the two countries. It cannot now be expected that the Government of the United States will immediately, on due notice of that act, revoke or cause to be revoked its acts excluding from the waters and harbors of the United States all British armed vessels, and interdicting commercial intercourse with Great Britain. Such a procedure would necessarily involve consequences too unreasonable and extravagant to be for a moment presumed. The Order in Council of the 23d June last will, therefore, according to its own terms, be null and of no effect, and a new act of the British Government, adapted to existing circumstances, is obviously required for the effectual repeal of the Orders in Council, of which the United States complain.

The Government of the United States considers indemnity for injuries received under the Orders in Council, and other edicts violating the rights of the American nation, to be incident to their repeal, and it believes that satisfactory provision will be made in the definitive treaty to be hereafter negotiated for this purpose.

The conditions now offered to the British Government for the termination of the war by an armistice, as above stated, are so moderate and just in themselves, and so entirely consistent with its interest and honor, that a confident hope is indulged that it will not hesitate to accept them. In so doing, it will abandon no right, it will sacrifice no interest; it will abstain only from violating the rights of the United States, and in return it will restore peace with the Power, from whom, in a friendly commercial intercourse, so many advantages are to be derived.

Your Lordship is undoubtedly aware of the serious difficulties with which a prosecution of the war, even for a short period, must necessarily embarrass all future attempts at accommodation. Passions exasperated by injuries, alliances, or conquests, on terms which forbid their abandonment, will inevitably hereafter imbitter and protract a contest which might now be so easily and happily terminated.

Deeply impressed with these truths, I cannot but persuade myself that His Royal Highness the Prince Regent will take into his early consideration the propositions herein made on behalf of the United States, and decide on them in a spirit of conciliation and justice.

I have the honor to be, &c.

JONATHAN RUSSELL.

Lord Castlereagh to Mr. Russell.

FOREIGN OFFICE, *August* 29, 1812.

SIR: Although the diplomatic relations between the two Governments have been terminated by a declaration of war on the part of the United States, I have not hesitated, under the peculiar circumstances of the case, and the authority under which you act, to submit to the Prince Regent the proposition contained in your letter of the 24th for a suspension of hostilities.

From the period at which your instructions must have been issued, it is obvious that this overture was determined upon by the Government of the United States, in ignorance of the Order in Council of the 23d of June last; and, as you inform me that you are not at liberty to depart from the conditions set forth in your letter, it only remains for me to acquaint you that the Prince Regent feels himself under the necessity of declining to accede to the proposition therein contained, as being, on various grounds, absolutely inadmissible.

As soon as there was reason to apprehend that Mr. Foster's functions might have ceased in America, and that he might have been obliged to withdraw himself, in consequence of war having been declared, from the United States, before the abovementioned order of the 23d of June and the instructions consequent thereupon could have reached him, measures were taken for authorizing the British Admiral on the American station to propose to the Government of the United States an immediate and reciprocal revocation of all hostile orders, with the tender of giving full effect, in the event of hostilities being discontinued, to the provisions of the said order, upon the conditions therein specified.

From this statement you will perceive that the view you have taken of this part of the subject is incorrect; and that, in the present state of the relations between the two countries, the operation of the order of the 23d June can only be defeated by a refusal on the part of your Government to desist from hostilities, or to comply with the conditions expressed in the said order.

Under the circumstances of your having no powers to negotiate, I must decline entering into a detailed discussion of the propositions which you have been directed to bring forward.

I cannot, however, refrain on one single point from expressing my surprise, namely, that as a condition preliminary even to a suspension of hostilities, the Government of the United States should have thought fit to demand that the British Government should desist from an ancient and accustomed practice of impressing British seamen from the merchant ships of a foreign State, simply on the assurance that a law shall hereafter be passed to prohibit the employment of British seamen in the public or commercial service of that State.

The British Government now, as heretofore, is ready to receive from the Government of the United States, and amicably to discuss, any proposition which professes to have in view either to check abuse in the exercise of the practice of impressment, or to accomplish, by means less liable to vexation, the object for which impressment has hitherto been found necessary; but they cannot consent to suspend the exercise of a right upon which the naval strength of the Empire mainly depends, until they are fully convinced

that means can be devised, and will be adopted, by which the object to be obtained by the exercise of that right can be effectually secured.

I have the honor to be, &c.

CASTLEREAGH.

JONATHAN RUSSELL, Esq., &c.

Mr. Russell to Lord Castlereagh.

18, BENTINCK STREET, *Sept.* 1, 1812.

MY LORD: I have learned with much regret by your Lordship's note dated the 29th ultimo, which I did not receive until this morning, that the Prince Regent has thought proper to decline to accede to the proposition for a suspension of hostilities, contained in my note of the 24th August.

It has been matter of surprise to me that my view with regard to the revocation of the Orders in Council, on the 23d of June last, should have been considered to have been incorrect, when it appears by your Lordship's note that the British Government itself has deemed it necessary to give powers to the British Admiral to stipulate for its full effect, and thereby admitted that a new act was required for that purpose.

It now only remains for me to announce to your Lordship, that it is my intention to embark immediately at Plymouth, on board the ship Lark, for the United States, and to request that permission may be granted, as soon as may be, for the embarcation of my servants' baggage, and the effects of this Legation, and that the necessary passports may be furnished for my own and their safe conduct to that destination.

I avail myself of this occasion to apprize your Lordship, that I am authorized by the Government of the United States to leave Reuben Guant Beasley, Esq., as its agent for prisoners of war in this country, and to desire that every necessary facility may be afforded him in the exercise of that trust by the British Government.

I have the honor to be, &c.

JONATHAN RUSSELL.

Rt. Hon. LORD CASTLEREAGH, &c.

Mr. Russell to Mr. Monroe.

LONDON, *September* 3, 1812.

SIR: I enclose herein a copy of a note received yesterday from Lord Castlereagh, which will acquaint you that I have obtained my passports to return to the United States, and that Mr. Beasley is permitted to remain here as agent for prisoners of war.

Immediately on demanding my passports, I addressed to the Consuls a circular, of which you will also find a copy enclosed.

The Swiftsure packet sailed on the 31st of last month from Falmouth for America, and it is very probable that she takes out instructions suggested by the overture made here, but there is no reason to believe that they can be of a nature to satisfy the United States.

I have the honor to be, &c.

JONATHAN RUSSELL.

Lord Castlereagh to Mr. Russell.

FOREIGN OFFICE, *Sept.* 2, 1812.

SIR: I have laid before His Royal Highness the Prince Regent your letter of the 1st instant, in which you announce your intention to embark immediately at Plymouth, on board the ship Lark, for the United States.

I have already had the honor of forwarding to you an Admiralty order for the protection of that ship as a cartel, on her voyage to America; and I herewith enclose to you a passport for the free embarcation of yourself and family, in conformity to your request. The Lords Commissioners of His Majesty's Treasury will issue directions to the commissioners of the customs to give every facility to the embarcation of your effects.

If previous to your departure from England you can point out to me any particular manner in which I can facilitate your arrangements, I beg that you will command my services.

His Royal Highness has commanded me to signify to you, for the information of your Government, that there will be no difficulty in allowing Mr. R. G. Beasley, as stated in your letter, to reside in this country as the United States' agent for prisoners of war.

I have the honor, to be, &c.

CASTLEREAGH.

Mr. Russell to Mr. Monroe.

LONDON, *September* 19, 1812.

SIR: On the 12th I received your letter of the 27th of July last; and the copies of my note to Lord Castlereagh, and of his Lordship's reply enclosed herein, will inform you that the propositions made in consequence of it have been rejected.

As I have but this moment heard of the immediate departure of the Friends, I have time only to add, that I have received the communications of Mr. Graham, of the 9th and 10th of August, by the Gleaner, and that I leave London this evening to embark on board the Lark, at Plymouth, for New York.

I am, with great respect, &c.

JONATHAN RUSSELL.

P. S. An interesting interview took place between Lord Castlereagh and myself on the 16th instant, the account of which I must, for want of time, reserve until I have the honor to see you.

Hon. JAMES MONROE, &c.

[Enclosed in Mr. Russell's despatch of Sept. 19.]

Mr. Russell to Lord Castlereagh.

18, BENTINCK STREET,

September 12, 1812.

MY LORD: In consequence of additional instructions which I received from my Government this morning, I called about noon at the Foreign Office, and found with regret that your Lordship was out of town. My object was to communicate to your Lordship the powers under which I act, that you might perceive their validity and extent. I have, however, sought to state

them substantially in the official letter which I have herewith the honor to transmit to your Lordship; but, should you find anything that stands in need of explanation previous to being submitted to His Royal Highness, I shall remain at 18, Bentinck street, to receive the commands of your Lordship. If your Lordship could, in courtesy, find any motive in my personal convenience to hasten a decision upon the propositions which I have submitted, the season of the year, my anxiety to depart, (all my arrangements being made, all my luggage having left town,) and the detention of the Lark at much expense, will plead powerfully in my favor. I have the honor to be, &c.

JONATHAN RUSSELL.

Mr. Russell to Lord Castlereagh.

18, BENTINCK STREET,
September 12, 1812.

MY LORD: I hasten, authorized by instructions recently received from the Government of the United States, and urged by an unfeigned anxiety to arrest the calamities of war, to propose to your Lordship a convention for the suspension of hostilities, to take effect at such time as may be mutually agreed upon, and stipulating that each party shall forthwith appoint Commissioners with full power to form a treaty, which shall provide by reciprocal arrangements for the security of their seamen from being taken or employed in the service of the other Power, for the regulation of their commerce, and all other interesting questions now depending between them; and that the armistice shall not cease without such previous notice by one to the other party as may be agreed upon, and shall not be understood as having any other effect than merely to suspend military operations by land and by sea.

In proposing to your Lordship these terms for a suspension of hostilities, I am instructed to come to a clear and distinct understanding with His Britannic Majesty's Government, without requiring it to be formal, concerning impressments, comprising in it the discharge of the citizens of the United States already impressed, and concerning future blockades; the revocation of the Orders in Council being confirmed.

Your Lordship is aware that the power of the Government of the United States to prohibit the employment of British seamen must be exercised in the sense and spirit of the Constitution, but there is no reason to doubt but that it will be so exercised effectually, and with good faith.

Such a measure, as it might, by suitable regulations and penalties, be made completely effectual and satisfactory, would operate almost exclusively in favor of Great Britain; for, as few American seamen ever enter voluntarily into the British service, the reciprocity would be nominal, and it is sincerely believed that it would be more than an equivalent for any advantage she may derive from impressment.

By the proposition which I have now the honor to make in behalf of my Government, your Lordship will perceive the earnest desire of the President to remove every obstacle to an accommodation, which consists merely of form, and to secure the rights and interests of the United States in a manner the most satisfactory and honorable to Great Britain as well as to America.

The importance of the overture now made will, I trust, obtain for it the early consideration of His Royal Highness, the Prince Regent; and I shall detain the vessel in which I have taken my passage to the United States until I have the honor to learn his decision.

I have the honor to be, &c.

JONATHAN RUSSELL.

Lord Castlereagh to Mr. Russell.

FOREIGN OFFICE, *Sept.* 16, 1812.

Lord Castlereagh presents his compliments to Mr. Russell, and requests to have the honor of seeing him at his house in St. James's square, at nine o'clock this evening.

N. B. Received a little before five o'clock.

Mr. Hamilton to Mr. Russell.

FOREIGN OFFICE, *Sept.* 16, 1812.

DEAR SIR: I have not seen Lord Castlereagh since his receipt of your two last letters of ——, but have received his directions to say to you that he cannot have it in his power to reply to them for a few days, or would have had much pleasure in attending immediately to your request in that respect. You may be assured that no delay will take place which can be avoided.

I am, dear sir, faithfully yours,

WILLIAM HAMILTON.

JONATHAN RUSSELL, Esq., &c.

Mr. Russell to Mr. Hamilton.

18, BENTINCK STREET,
September 16, 1816.

DEAR SIR: I have learned, with much regret and disappointment, that Lord Castlereagh has directed you to inform me that it is not in his power to give an immediate answer to the last letters which I have had the honor to address to him. The object of those letters was of a nature to require an early decision; reluctant, however, by any precipitancy on my part to protract the present unhappy relations between the two countries, I beg you to acquaint his Lordship that I shall remain in town until Sunday, the 20th instant, when, unless some special and satisfactory reason be assigned for a longer delay, I shall consider it to be my duty to proceed to Plymouth to embark for the United States.

I am, dear sir, with great truth, &c.

JONATHAN RUSSELL.

N. B. Sent at three o'clock.

Lord Castlereagh to Mr. Russell.

FOREIGN OFFICE, *Sept.* 18, 1812.

SIR: Under the explanations you have afforded me of the nature of the instructions which you

have received from your Government, I have, as on the preceding occasion, been induced to lay your letter of the 12th instant before His Royal Highness, the Prince Regent.

His Royal Highness commands me to express to you his regret that he cannot perceive any substantial difference between the proposition for a suspension of hostilities, which you are now directed to make, and that which was contained in your letter of the 24th of August last. The form of the proposed arrangement, it is true, is different; but it only appears to aim at executing the same purpose in a more covert, and therefore in a more objectionable manner.

You are now directed to require, as preliminary to a suspension of hostilities, a clear and distinct understanding, without, however, requiring it to be formed, on all the points referred to in your former proposition. It is obvious that, were this proposal acceded to, the discussion on the several points must substantially precede the understanding required.

This course of proceeding, as bearing on the face of it a character of disguise, is not only felt to be in principle inadmissible, but as unlikely to lead in practice to any advantageous result. As it does not appear, on the important subject of impressment, that you are either authorized to propose any specific plan, with reference to which the suspension of that practice could be made a subject of deliberation, or that you have received any instructions for the guidance of your conduct on some of the leading principles which such a discussion must, in the first instance, involve.

Under these circumstances, the Prince Regent sincerely laments that he does not feel himself enabled to depart from the decision which I was directed to convey to you in my letter of the 2d instant. I have the honor, &c.

CASTLEREAGH.

JONATHAN RUSSELL, Esq.

Mr. Russell to Mr. Monroe.

LONDON, *September* 19, 1812.

SIR: Since writing you this morning, fearing that this Government should infer from my silence an acquiescence in the strange and unwarrantable view which Lord Castlereagh has in his last note, thought fit to take of the overtures which I have submitted, and of the powers under which I acted, I have considered it my duty to return an answer, of which the enclosed is a copy. With great consideration and respect, I am, sir, &c.

JONATHAN RUSSELL.

Hon. JAMES MONROE.

[Enclosed in Mr. Russell's despatch of Sept. 19.]

Mr. Russell to Lord Castlereagh.

LONDON, *September* 19, 1812.

MY LORD: I had the honor to receive last evening your Lordship's note of yesterday, and have learned, with great regret and disappointment, that His Royal Highness, the Prince Regent, has again rejected the just and moderate propositions for a suspension of hostilities which I have been instructed to present on the part of my Government.

After the verbal explanations which I had the honor to afford your Lordship on the 16th instant, both as to the object and sufficiency of my instructions, I did not expect to hear repeated any objections on these points. For itself, the American Government has nothing to disguise; and, by varying the proposition as to the manner of coming to a preliminary understanding, it merely intended to leave to the British Government that which might be most congenial to its feelings.

The propositions presented by me, however, on the 24th of August and 12th instant, are distinguishable by a diversity in the substance, as well as in the mode of the object which they embraced; as, by the former, the discontinuance of the practice of impressment was to be immediate, and to precede the prohibitory law of the United States relative to the employment of British seamen, when, by the latter, both these measures are deferred to take effect simultaneously hereafter. Having made a precise tender of such law, and exhibited the instructions which warranted it to your Lordship, I have learned, with surprise, that it does not appear to your Lordship that I am authorized to propose any specific plan on the subject of impressment. I still hope that the overtures made by me may again be taken into consideration by His Majesty's Government; and, as I leave town this afternoon for the United States, that it will authorize some agent to proceed thither and adopt them as a basis for reconciliation between the two countries, an event so devoutly to be wished.

I have the honor to be, &c.

JONATHAN RUSSELL.

Mr. Russell to Mr. Monroe.

ON BOARD THE LARK, *Nov.* 7, 1812.

SIR: I have the honor to inform you that I am now passing the Narrows, and expect to land at New York this day. I conceive it to be my duty to repair to the seat of Government, and shall set off as soon as I can obtain my baggage. In the mean time I am sorry to inform you that the second proposition for an armistice was rejected like the first, and a vigorous prosecution of the war appears to be the only honorable alternative left to us. I have the honor to be, &c.

JONATHAN RUSSELL.

Hon. JAMES MONROE, &c.

Mr. Russell to Mr. Monroe.

WASHINGTON, *Nov.* 16, 1812.

SIR: I have the honor to hand you herewith an account of the conversation alluded to in a postscript to my letter of the 19th September, and which I had not then sufficient time to copy.

I have the honor to be, &c.

JONATHAN RUSSELL.

Hon. JAMES MONROE, &c.

[Enclosed in Mr. Russell's letter of November 16.]

Mr. Russell to the Secretary of State.

LONDON, *September* 17, 1812.

SIR: On the 12th instant I had the honor to receive your letter of the 27th of July last. I called immediately at the Foreign Office to prepare Lord Castlereagh, by imparting to him the nature and extent of my instructions, for the communication which it became me to make to him. His Lordship was in the country, and I was obliged to write to him without previously seeing him. I, however, accompanied my official note with a private letter, offering explanation, if required, and soliciting despatch.

I waited until two o'clock, the 16th instant, without hearing from his Lordship, when I was much surprised at receiving a note from Mr. Hamilton, the Under Secretary, indefinitely postponing an official reply. To give more precision to the transaction, I instantly addressed to him an answer, and a little before five o'clock, on the same day, I received an invitation from Lord Castlereagh to meet him at his house that evening at nine o'clock.

I waited on his Lordship at the time appointed, and found him, in company with Mr. Hamilton, at a table loaded with the records of American correspondence, which they appeared to have been examining.

I was courteously received, and, after a conversation of a few minutes, on indifferent subjects, I led the way to the business on which I came, by observing that I had once more been authorized to present the olive branch, and hoped it would not be again rejected.

His Lordship observed, that he had desired the interview to ascertain, before he submitted my communication of the 16th instant to the Prince Regent, the form and nature of the powers under which I acted. To satisfy him at once on both these points, I put into his hands your letter of the 27th July. I the more willingly adopted this mode of procedure, as, besides the confidence which its frankness was calculated to produce, the letter itself would best define my authority and prove the moderation and conciliatory temper of my Government.

His Lordship read it attentively. He then commented at some length both on the shape and substance of my powers. With regard to the former he observed, that all my authority was contained in a letter from the Secretary of State, which, as my diplomatic functions had ceased, appeared but a scanty foundation on which to place the important arrangement I had been instructed to propose. With regard to the extent of my powers, he could not perceive that they essentially differed from those under which I had brought forward the propositions contained in my note of the 24th of August. He considered that to enter with me into the understanding, required as a preliminary to a convention for an armistice, he would be compelled to act on unequal ground, as, from his situation, he must necessarily pledge his Government, when, from the nature of my authority, I could give no similar pledge for mine. He could not, therefore, think of committing the British faith and leaving the American Government free to disregard its engagements. Besides, it did not appear to him that, at the date of my last instructions, the revocation of the Orders in Council on the 23d of June had been received at Washington, and that great hopes were entertained of the favorable effects such intelligence would produce there. The question of impressment, he went on to observe, was attended with difficulties of which neither I nor my Government appeared to be aware. "Indeed," he continued, "there has evidently been much misapprehension on this subject, and an erroneous belief entertained that an arrangement, in regard to it, has been nearer an accomplishment than the facts will warrant. Even our friends in Congress, I mean (observing, perhaps, some alteration in my countenance,) those who were opposed to going to war with us, have been so confident in this mistake, that they have ascribed the failure of such an arrangement solely to the misconduct of the American Government. This error probably originated with Mr. King, for being much esteemed here, and always well received by the persons then in power, he seems to have misconstrued their readiness to listen to his representations and their warm professions of a disposition to remove the complaints of America, in relation to impressment, into a supposed conviction, on their part, of the propriety of adopting the plan which he had proposed. But Lord St. Vincent, whom he might have thought he had brought over to his opinions, appears never for a moment to have ceased to regard all arrangement on the subject to be attended with formidable, if not insurmountable obstacles. This is obvious from a letter which his Lordship addressed to Sir William Scott at the time." Here Lord Castlereagh read a letter, contained in the records before him, in which Lord St. Vincent states to Sir William Scott the zeal with which Mr. King had assailed him on the subject of impressment, confesses his own perplexity and total incompetency to discover any practical project for the safe discontinuance of that practice, and asks for counsel and advice. "Thus you see," proceeded Lord Castlereagh, "that the confidence of Mr. King on this point was entirely unfounded.

"The extreme difficulty, if not total impracticability, of any satisfactory arrangement for the discontinuance of impressment, is most clearly manifested by the result of the negotiation carried on between Messrs. Monroe and Pinkney and Lords Auckland and Holland. The doctrines of which these noblemen had been the advocates, when in opposition, bound them by all the force of consistency to do everything under their commission for the satisfaction of America, relative to impressment, which the nature of the subject would possibly admit. There were many circumstances on that occasion peculiarly propitious to an amicable arrangement on this point, had such an arrangement been at all attainable. Both parties accordingly appear to have exhausted their

ingenuity in attempting to devise expedients satisfactorily to perform the office of impressment; and nothing can more conclusively demonstrate the inherent difficulty of the matter, and the utter impossibility of finding the expedient which they sought, than that all their labors, pursued on that occasion with unexampled diligence, cordiality, and good faith, should have been in vain."

His Lordship now turned to a letter in a volume before him, addressed at the close of the negotiation by these Commissioners to the American Ministers, conceived in the kindest spirit of conciliation, in which they profess the most earnest desire to remove all cause of complaint on the part of America concerning impressment, regret that their endeavors had hitherto been ineffectual, lament the necessity of continuing the practice, and promise to provide as far as possible against the abuse of it.

"If," resumed his Lordship, "such was the result of a negotiation entertained under circumstances so highly favorable, where the powers and the disposition of the parties were limited only by the difficulties of the subject, what reasonable expectation can be encouraged that, in the actual state of things, with your circumscribed and imperfect authority, we can come to a more successful issue? I shall have to proceed in so weighty a concern with the utmost deliberation and circumspection; and it will be necessary for me to consult the great law officers of the Crown. You are not aware of the great sensibility and jealousy of the people of England on this subject; and no Administration could expect to remain in power that should consent to renounce the right of impressment, or to suspend the practice, without the certainty of an arrangement which should obviously be calculated most unequivocally to secure its object. Whether such an arrangement can be devised is extremely doubtful, but it is very certain that you have no sufficient powers for its accomplishment."

Such was the substance, and, in many parts, the language of his Lordship's discourse. To which I replied, that the main object of my powers being to effect a suspension of hostilities, their form could not be material—it was sufficient that they emanated from competent authority, and were distinctly and clearly conferred; that in requiring as a condition to an armistice a clear understanding relative to impressment and other points of controversy between the two countries, it was intended merely to lay the basis of an amicable adjustment, and thereby to diminish the probability of a renewal of hostilities. To come to such an understanding, to be in itself informal, and which expressly left the details of the points which it embraced to be discussed and adjusted by commissioners to be hereafter appointed, was certainly within the instructions which I had received, and I could, of course, thus far pledge my Government for its observance. I did not acknowledge the force of his objection, predicated on the inequality of our respective powers, nor perceive how the British faith would be particularly committed. The faith of both Governments would be equally committed for whatever was done under their respective authority; and although his Lordship might have power to go beyond the armistice and understanding for which I was instructed, yet there was no necessity for doing so; and while we acted within those limits, we stood on equal ground. And were it otherwise, yet, as the promise of the one party would be the sole consideration for the promise of the other, should either fail in the performance of its engagements, the other would necessarily be discharged, and the imputation of bad faith could alone attach to the first delinquent. Nor was I dismayed at the very formidable difficulties with which he had thought proper to array the subject of impressment; and, although willing to acknowledge my inferiority to the American negotiators who had preceded me in the matter, yet I was not disposed, on account of their failure, to shrink from the discharge of a duty imposed on me by my Government. To me, indeed, the whole question appeared much less alarming than his Lordship had described it to be; and that if Mr. King had really been mistaken with regard to the near completion of an adjustment, his Lordship must, on an attention to the *whole correspondence* at the time, acquit him from the imputation of any excessive want of penetration.

As to the supposed ignorance in America of the revocation of the Orders in Council at the time my instructions were dated, I observed, that if this ignorance did in fact exist, yet, from certain expressions in those instructions, an expectation of such a measure seems to have been confidently entertained, and the Orders in Council appeared no longer to form an obstacle to a reconciliation. However this might be, it ought not to be supposed that the American Government would be ready to abandon one main point for which it contended, merely because it had obtained another, which was generally considered to be of minor importance, and to submit to the continuance of impressment on account of the discontinuance of the Orders in Council. At any rate, having authorized me to propose terms of accommodation here, it would probably wait for information concerning the manner in which they had been received, before it would consent to more unfavorable conditions. In the mean time, the war would be prosecuted, and might produce new obstacles to a pacific arrangement. I was happy to learn that the failure of a former negotiation concerning impressment could not be ascribed to a want of sincerity and moderation in the American Government, and I hoped the mode now suggested for securing to Great Britain her own seamen might remove the difficulties which had hitherto embarrassed this question. If the people of England were so jealous and sensitive with regard to the exercise of this harsh practice, what ought to be the feelings of the people of America, who were the victims of it? In the United States this practice of impressment was considered as bearing a strong resemblance to the slave trade; aggravated, indeed, in some of its features, as the negro was pur-

chased, already bereft of his liberty, and his slavery and exile were at least mitigated by his exemption from danger, by the interested forbearance of his task-master, and the consciousness that, if he could no longer associate with those who were dear to him, he was not compelled to do them injury; while the American citizen is torn, without price, at once, from all the blessings of freedom, and all the charities of social life, subjected to military law, exposed to incessant perils, and forced at times to hazard his life in despoiling or destroying his kindred and countrymen. It was matter of astonishment that, while Great Britain discovered such zeal for the abolition of the traffic in the barbarous and unbelieving natives of Africa, as to endeavor to force it on her reluctant allies, she could so obstinately adhere to the practice of impressing American citizens, whose civilization, religion, and blood, so obviously demanded a more favorable distinction.

I next pointed out to his Lordship the difference between the propositions which I now submitted and those contained in my note of the 24th of August. That although the object of both was essentially the same, there was great diversity in the manner of obtaining it. The discontinuance of the practice of impressment, which was before required to be immediate, and to constitute a formal preliminary to an armistice, was now deferred, to commence contemporaneously with the operation of the law of the United States prohibiting the employment of British seamen, and was consigned, with the other conditions, to a separate and informal arrangement. In this way it was, no doubt, intended, by respecting the feelings of the British Government, to obviate any objection which might have been the mere suggestions of its pride.

I finally offered, in order to answer at once all the observations and inquiries of Lord Castlereagh, that the proposed understanding should be expressed in the most *general terms;* that the laws, to take effect on the discontinuance of the *practice* of impressment, should prohibit the employment of the *native* subjects or citizens of the one State, excepting such only as had already been naturalized, on board the private or public ships of the other; thus removing any objection that might have been raised with regard to the future effect of naturalization, or the formal renunciation of any pretended right. With regard to blockades I proposed to follow the same course, and only to agree that none should be instituted by either party which were not conformable to the acknowledged laws of nations, leaving the definition of such blockade, and all other details, to be settled by the commissioners in the definitive treaty.

I was disappointed and grieved to find that these propositions, moderate and liberal as they were, should be treated in a manner which forbids me to expect their acceptance. I was even asked by Mr. Hamilton, if the United States would deliver up the native British seamen who might be naturalized in America. Although shocked at this demand, I mildly replied that such a procedure would be disgraceful to America, without being useful to Great Britain; that the habits of seamen were so peculiarly unaccommodating, that no one would patiently go through the long probation required by law, to become a citizen of a country where he could not pursue his professional occupations; and that not to employ him in this way would be virtually to surrender him to Great Britain.

I was disposed to believe, however, that a reciprocal arrangement might be made for giving up deserters from public vessels.

Here, perhaps, I owe an apology to my Government for having, without its precise commands, hazarded the overture abovementioned, relative to British subjects who may hereafter become citizens of the United States. In taking this step, however, I persuaded myself that I did not trespass against the spirit of the instructions which I had received; and, had the proposition been accepted, I should not have been without all hope that it would have been approved by the President, as its prospective operation would have prevented injustice, and its reciprocity disgrace. Should I, however, urged by too great a zeal to produce an accommodation, have mistaken herein the intentions of the President, I still should have derived some consolation from reflecting that this proposition, thus frankly and explicitly made, afforded an opportunity of satisfactorily testing the disposition of this Government, and might be useful in removing much misconception and error. The refusal, indeed, of this proposition sufficiently explains the view with which I was assailed with the ostentatious parade of the abortive negotiations relative to impressment; the exaggeration of its pretended difficulties; the artificial solemnity given to its character; the affected sensibility to the popular sentiment concerning it; and the fastidious exceptions taken to my powers; and proves most unequivocally the predetermination of the British Government to reject, at this time, every overture for the discontinuance of this degrading practice.

Most unfeignedly desiring to suspend the existing hostilities between the two States, with a reasonable prospect of finally terminating them in a manner honorable to both, I perhaps pressed with too much earnestness the adoption of the arrangement which I was instructed to propose; for Lord Castlereagh once observed, somewhat loftily, that if the American Government was so anxious to get rid of the war, it would have an opportunity of doing so on learning the revocation of the Orders in Council. I felt constrained on this occasion to assure His Lordship, that the anxiety of the American Government to get rid of the war was only a proof of the sincerity with which it had constantly sought to avoid it; but that no event had occurred, or was apprehended, to increase this anxiety. His Lordship, correcting his manner, rejoined, that it was not his intention to say anything offensive, but merely to suggest, that if the American Government sincerely wished for a restoration of the friendly relations between the two countries, it would consider the revocation of the Orders in Council as

affording a fair occasion for the attainment of that object. After a pause of a few minutes, he added, that if the United States did not avail themselves of this occasion, not only to put an end to the war which they had declared, but to perform the conditions on which those orders were revoked, the orders would, of course, revive. I could not forbear to remind his Lordship, that when I took this view of the subject, in my note of the 24th of August, he found it to be incorrect; but I hoped that now I was so fortunate as to agree with him on this point, some provision would be made, in case the terms proposed for an armistice should be accepted, to prevent the revival of those edicts. His Lordship attempted to explain, but I could not distinctly seize his meaning.

The conversation ended with an assurance on the part of his Lordship that he would, with as little delay as possible, communicate officially to me the decision of the Prince Regent; and I took my leave, forbidden to hope that, while the present councils and the present opinion of the American people prevailed here, this decision will be favorable.

I have the honor to be, &c.

JONA. RUSSELL.

His Excellency JAMES MONROE, &c.

Admiral Warren to the Secretary of State.

HALIFAX, N. S., *Sept.* 30, 1812.

SIR: The departure of Mr. Foster from America has devolved upon me the charge of making known to you, for the information of the Government of the United States, the sentiments entertained by His Royal Highness the Prince Regent upon the existing relations of the two countries.

You will observe, from the enclosed copy of an Order in Council, bearing date the 23d of June, 1812, that the Orders in Council of the 7th of January, 1807, and the 26th of April, 1809, ceased to exist nearly at the same time that the Government of the United States declared war against His Majesty.

Immediately on the receipt of this declaration in London, the Order in Council, of which a copy is herewith enclosed to you, was issued, on the 31st day of July, for the embargo and detention of all American ships.

Under these circumstances, I am commanded to propose to your Government the immediate cessation of hostilities between the two countries, and I shall be most happy to be the instrument of bringing about a reconciliation so interesting and beneficial to America and Great Britain.

I, therefore, propose to you that the Government of the United States of America shall instantly recall their letters of marque and reprisal against British ships, together with all orders and instructions for any acts of hostility whatever against the territories of His Majesty or the persons or property of his subjects; with the understanding that, immediately on my receiving from you an official assurance to that effect, I shall instruct all the officers under my command to desist from corresponding measures of war against the ships and property of the United States, and that I shall transmit, without delay, corresponding intelligence to the several parts of the world, where hostilities may have commenced, the British commanders in which will be required to discontinue hostilities from the receipt of such notice.

Should the American Government accede to the above proposal for terminating hostilities, I am authorized to arrange with you as to the revocation of the laws which interdict the commerce and ships of war of Great Britain from the harbors and waters of the United States; in default of which revocation, within such reasonable periods as may be agreed upon, you will observe, by the order of the 23d of June, the Orders in Council of January, 1807, and April 1809, are to be revived.

The officer who conveys this letter to the American coast has received my orders to put to sea immediately upon the delivery of this despatch to the competent authority; and I earnestly recommend that no time may be lost in communicating to me the decision of your Government, persuaded, as I feel, that it cannot but be of a nature to lead to a speedy termination of the present differences.

The flag of truce, which you may charge with your reply, will find one of my cruisers at Sandy Hook ten days after the landing of this despatch, which I have directed to call there with a flag of truce for that purpose.

I have the honor to be, &c.

JOHN BORLASE WARREN,
Admiral of the Blue, &c.

The Secretary of State to Admiral Warren.

DEPARTMENT OF STATE, *Oct.* 27, 1812.

SIR: I have had the honor to receive your letter of the 30th ultimo, and to submit it to the consideration of the President.

It appears that you are authorized to propose a cessation of hostilities between the United States and Great Britain, on the ground of the repeal of the Orders in Council, and in case the proposition is acceded to, to take measures, in concert with this Government, to carry it into complete effect on both sides.

You state, also, that you have it in charge, in that event, to enter into an arrangement with the Government of the United States for the repeal of the laws which interdict the ships of war and the commerce of Great Britain from the harbors and waters of the United States; and you intimate that, if the proposition is not acceded to, the Orders in Council, repealed conditionally by that of the 23d June last, will be revived against the commerce of the United States.

I am instructed to inform you that it will be very satisfactory to the President to meet the British Government in such arrangements as may terminate, without delay, the hostilities which now exist between the United States and Great Britain, on conditions honorable to both nations

At the moment of the declaration of war the President gave a signal proof of the attachment of the United States to peace. Instructions were given, at that early period, to the late Chargé des Affaires of the United States at London to propose to the British Government an armistice, on conditions which, it was presumed, would have been satisfactory. It has been seen with regret that the proposition made by Mr. Russell, particularly in regard to the important interest of impressment, was rejected, and that none was offered through that channel as a basis on which hostilities might cease.

As your Government has authorized you to propose a cessation of hostilities, and is doubtless aware of the important and salutary effect which a satisfactory adjustment of this difference cannot fail to have on the future relations between the two countries, I indulge the hope that it has ere this given you full power for the purpose. Experience has evinced that no peace can be durable unless this object is provided for. It is presumed, therefore, that it is equally the interest of both countries to adjust it at this time.

Without further discussing questions of right, the President is desirous to provide a remedy for the evils complained of on both sides. The claim of the British Government is to take from the merchant vessels of other countries, British subjects. In the practice, the commanders of British ships of war often take from the merchant vessels of the United States American citizens. If the United States prohibit the employment of British subjects in their service, and enforce the prohibition by suitable regulations and penalties, the motive for the practice is taken away. It is in this mode that the President is willing to accommodate this important controversy with the British Government, and it cannot be conceived on what ground the arrangement can be refused.

A suspension of the practice of impressment, pending the armistice, seems to be a necessary consequence. It cannot be presumed, while the parties are engaged in a negotiation to adjust amicably this important difference, that the United States would admit the right, or acquiesce in the practice of the opposite party, or that Great Britain would be unwilling to restrain her cruisers from a practice which would have the strongest tendency to defeat the negotiation. It is presumable that both parties would enter into the negotiation with a sincere desire to give it effect. For this purpose it is necessary that a clear and distinct understanding be first obtained between them, of the accommodation which each is prepared to make. If the British Government is willing to suspend the practice of impressment from American vessels, on consideration that the United States will exclude British seamen from their service, the regulations by which this compromise should be carried into effect would be solely the object of negotiation. The armistice would be of a short duration: if the parties agreed, peace would be the result; if the negotiation failed, each would be restored to its former state and to all its pretensions by recurring to war.

Lord Castlereagh, in his note to Mr. Russell, seems to have supposed that, had the British Government accepted the proposition made to it, Great Britain would have suspended immediately the exercise of a right, on the mere assurance of this Government that a law would be afterwards passed to prohibit the employment of British seamen in the service of the United States, and that Great Britain would have no agency in the regulations to give effect to that prohibition. Such an idea was not in the contemplation of this Government, nor is it to be reasonably inferred from Mr. Russell's note. Lest, however, by possibility such an inference might be drawn from the instructions to Mr. Russell, and anxious that there should be no misunderstanding in the case, subsequent instructions were given to Mr. Russell, with a view to obviate every objection of the kind alluded to. As they bear date on the 27th of July, and were forwarded by the British packet Althea, it is more than probable that they may have been received and acted on.

I am happy to explain to you thus fully the view of my Government on this important subject. The President desires that the war which exists between our countries should be terminated on such conditions as may secure a solid and durable peace. To accomplish this great object it is necessary that the interest of impressment be satisfactorily arranged. He is willing that Great Britain should be secured against the evils of which she complains. He seeks, on the other hand, that the citizens of the United States should be protected against a practice, which, while it degrades the nation, deprives them of their rights as freemen, takes them by force from their families and their country into a foreign service, to fight the battles of a foreign Power, perhaps against their own kindred and country.

I abstain from entering, in this communication, into other grounds of difference. The Orders in Council having been repealed, with a reservation not impairing a corresponding right on the part of the United States, and no illegal blockades revived or instituted in their stead, and an understanding being obtained on the subject of impressment in the mode herein proposed, the President is willing to agree to a cessation of hostilities, with a view to arrange by treaty, in a more distinct and ample manner, and to the satisfaction of both parties, every other subject of controversy.

I will only add that, if there be no objection to an accommodation of the difference relating to impressment in the mode proposed, other than the suspension of the British claim to impressment during the armistice, there can be none to proceeding without the armistice to an immediate discussion and arrangement of an article on that subject. This great question being satisfactorily adjusted, the way will be open for an armistice, or any other course leading most conveniently and expeditiously to a general pacification.

I have the honor to be, &c.

JAMES MONROE.

Sir J. B. Warren.

DENMARK.

Mr. Erving to the Secretary of State, enclosing a correspondence with the Danish Minister of Foreign Affairs.

No. 16.—Mr. Erving to Mr. Monroe.

COPENHAGEN, *April* 12, 1812.

SIR: My last despatch upon general business was No. 12. I therein mentioned the case of the "Jane Maria," which had been cut out of the port of Swinemunde by a French privateer. Subsequent to the date of that despatch the captain arrived, but in the intermediate time, a Frenchman had been put on board as a guard, and this became an obstacle to her departure. My correspondence with Mr. de Rosenkrantz on this affair is herewith submitted, viz: No. 1, December 10; No. 2, January 11; No. 3, January 15; No. 4, January 15; No. 5, January 16, of the enclosures. I understand that one of the crew of the "Jane Maria" has appeared before a notary, and sworn that, whilst the vessel lay at Swinemunde she had communication with the English, and was to have gone under their convoy. Should this declaration prove to be correct, yet I presume that she cannot therefore be condemned. The French Minister does not, however, find himself authorized to release her, but he momentarily expects orders from his Government on the subject. The papers of the vessel are in my possession.

In my despatch No. 10, I mentioned that of the cases which were pending on my arrival in Copenhagen, the "Minerva Smith," Mann, only remained to be adjudged, and that I had sought to delay it for the purpose of procuring, and in the hope of introducing before the tribunal some further evidence. A part of the evidence to which I referred was soon afterwards received from England, and laid before the Minister of State, in a note of December 13; a copy (No. 6) is enclosed, as it serves to explain the peculiar difficulties under which this, a property of very great value, was placed. No change having been produced by this representation in the opinion of the High Court, I obtained that the case should be laid before the Danish Chancery; and the report of that body not being sufficiently full and satisfactory, the case was transferred to the Sleswic Holstein Chancery, (on the king's own suggestion,) as Kiel, where the vessel was taken, being within the jurisdiction of that Chancery, the affair was not properly cognizable by the Danish Chancery. These various operations consumed a great deal of time; but finally towards the latter end of February the Sleswic Holstein Chancery produced a very laborious and voluminous report in favor of the case, pursuant to which His Majesty ordered the High Court to pass sentence of acquittal.

With my aforementioned despatch, No. 10, was transmitted copy of a note to Mr. de Rosenkantz, (of September 28) respecting the then pending cases generally. Still further to promote the object of it I again addressed him on November 3, and in the progress of the business perceiving that the High Court had lost nothing of its disposition to condemn, and had actually determined to sacrifice one of the clearest cases in the whole list, (the "Brutus") on the 13th December, I thought it necessary to require that its proceedings should be arrested, and its opinions submitted to the King through his Chancery; (those two notes are Nos. 7 and 8 of the enclosed;) the necessary order was immediately given, and thus two or three cases were saved from condemnation. But though the report of the Chancery on the case of the "Brutus" was favorable, that vessel was finally condemned; the particular circumstances of her case will be seen in my note to Mr. de Rosenkrantz of April 10th, and the sentence of the tribunal (Nos. 7 B and 8 B) of the enclosed papers.

At the date of said despatch No. 10, there were ten cases depending, exclusive of French captures, and inclusive of the "Hannah" and "Two Generals," double captures, as appears by the list which was therewith transmitted. In despatch No. 11, I mentioned the release of the "Horace" and "Augustus," two of the list, so that there were at that time only six cases of simple captures depending. I have now the satisfaction of informing you that the whole of these have been acquitted, the "Brutus" as above mentioned only excepted. The "Hannah" and "Two Generals," must, I fear, be determined in Paris. The French Government has proposed to the Danish, that without reference to these questions of jurisdiction, which have always been found so difficult to arrange to the satisfaction of all parties, the simple rule shall be adopted of determining the question of prize in the tribunals of the country to which the captor may belong, in all cases where he may possess himself of the captured vessel's papers. This proposition has not been, nor do I believe that it will be, acceded to by the Danish Government; yet, sir, you will readily perceive that if the French Government should persist, there can be very little expectation of our obtaining from this, the release of a vessel which may have been condemned by the Council of Prizes. There is even some reason to apprehend that it will so persist, since the French Consul has now received orders from the Minister of Marine to transmit to Paris the papers of the ship "Olive Branch," which, as mentioned in my despatch No. 12, was seized under the very guns of the fort of Nyborg; and this case is peculiarly strong, since the "Olive Branch" had his Danish Majesty's license on board. But I must in this place also mention that my correspondence with Mr. Desaugiers (lately French Chargé d'Affaires here) which was submitted to you with despatch No. 8, having been also submitted to his Government, he is now answered by the Duke of Bassano, in terms strongly representing the excesses of the corsairs in general, and particularly reproving their practice of hoisting the French flag on board the vessels captured, of which he strictly forbids the recurrence.

The "Rachel," "Rover," and "Packet," three

vessels (on the pending lists heretofore transmitted) which have been released, being partly laden with "colonial produce," were, pursuant to the established regulations with regard to vessels so laden, ordered to quit the port and to proceed on their voyages; the French privateers were then watching for and would infallibly have captured them on their departure. The copies herewith enclosed, viz: my notes to Mr. de Rosenkrantz of November 27, 28, and 29, (Nos. 9, 10, and 11,) Mr. de Rosenkrantz's unofficial note of December 1st, (No. 12,) my reply of same date (No. 13,) Mr. de Rosenkrantz's official note of December 2d, (No. 14,) relate to this matter, which you will be pleased to observe was very satisfactorily settled.

The last list of vessels which had passed this way was dated October 9: since then a few scattered vessels have presented themselves, viz:

The "Dolphin," Latham, "America," Briggs, from Petersburg to the United States, passed without interruption.

"Ann," How, arrived safely at Christiansand.

"Sally," Brown, turned away from Amsterdam by the English, continued her voyage towards this place, and was wrecked on the coast of Jutland.

"Adriana," Abrahams, of Baltimore, belonging to Smith and Co., with a cargo of hides, convoyed by the Danes from Gottenburg to Copenhagen, (having Danish license,) cargo sold in Copenhagen and reconvoyed to Elsineur.

"Columbia," Jennison, (owners unknown,) from St. Ubes, with salt, much under the same circumstances.

"Swanwick," Clark, with a cargo of tobacco, property of Pratt and Kintzing of Philadelphia, ditto.

"Asia," Ormsby, (Brown and Ives of Providence,) with three thousand five hundred chests of tea, arrived at Gottenburg some months since, in her voyage from thence to Copenhagen, captured by a Danish privateer, but immediately released, having the King's permission to come hither and sell.

This completes the account of our trade for the last year as far as particulars have come to my knowledge. In my despatch No. 12, I transmitted certain statements relating to that trade; triplicates of those statements were sent with No. 14, with the addition of a printed tariff of the duties payable on all merchandise passing through the Sound: a duplicate of the tariff is herewith enclosed. I have lately seen a printed statement of our exports from Petersburg during the last year, made by a commercial house of that place. It agrees in general with the document No. 3, enclosed in my aforesaid despatch. It is however more complete as to the number of vessels, including all those which went up through the Belt, and gives a total of 127, (noting that in 1810 the total was only 100 only,) but states that 29 of the 127 were bound to European ports, having as part of their cargoes 23,615 *poods of flax!* Most of these 29 probably returned through the Belt; such as passed the Sound must have had false clearances. In the course of judicial investigations the Danes have already discovered, as is supposed, sufficient grounds for distrusting the character of our commerce: such printed information from what is called a "respectable American house" at Petersburg, recommending itself to its correspondents by this species of industry, cannot fail to augment that distrust.

All the old and new cases being now disposed of, I herewith enclose a table (No. 19) bringing the whole of them and the proceedings which have been had on them into one view. I beg you, sir, to observe, that of thirty-eight cases of Danish captures on the list of 1811, there have been only three appeals of the captors against the sentences of acquittal given by the inferior tribunal, so little have been their expectations of procuring final condemnations, and that excepting the three English and English license cases, ("President," "Neptune," and "Aurora,") there has been but one final condemnation, viz. the "Brutus."

I hope that upon the whole this view will be satisfactory to the President. Mr. de Rosenkrantz told me in an early interview that the administration of justice was as impartial and as prompt here as in any other country; he added (referring to the disposition of the King) that in future we should have nothing to complain of. How far his assertion was correct, or his promise has been complied with, I will not presume to determine; but I must do that Minister the justice to say, that he spoke with perfect sincerity, and under impressions the most just and friendly, and to believe that where the results fall short of our expectations, it has not been from any failure of those dispositions.

I have taken occasion in former despatches to mention, and in frequent representations to Mr. de Rosenkrantz, to remonstrate against the practices of fining and taxing vessels acquitted in the tribunals. These practices, nearly indiscriminate as they are, I found to be quite unreasonable, in their application frequently most unjust; yet after all, for the amount of the exactions, they are not oppressive, perhaps had they been abolished altogether we might not have had had quite so many vessels captured; there would certainly have been more appeals and might have been more condemnations. The lists herewith enclosed (papers marked No. 20) show the sums which the cases have been charged under the several heads of costs, fines, and two per mille tax in the tribunal of Copenhagen: the two two per mille goes to the King's coffers; the fine goes to the captor for his trouble in capturing, where he is supposed to have had just grounds of suspicion; the court expenses are invariably forty rix dollars (equal to five and a half dollars) in each case. There are no other expenses but advocate's fees; here, as in all countries, the amount of these is settled by agreement between the counsel and client; in the inferior tribunal no advocate is employed.

The situation of the masters of our vessels condemned here was formerly made the more distressing by the prosecutions to which they were

exposed on account of wages due to their sailors, the laws here compelling them to provide for their crews: these laws had been executed with great rigor, and large sums had been frequently adjudged to be paid by masters who could scarcely find credit for their own subsistence. The Consul had, by frequent representation, endeavored to remedy this evil, but without success. When I came to act in this matter I was answered, that if the master deceived the men by engaging them in a vessel which was not in fact American, as he pretended, it was but just that he should pay them, his sufferings then were chargeable only to his own misconduct: however, I finally obtained that it should be laid before the Chancery; that tribunal, by a report of January 11, adopted by His Majesty, decreed that "no lawsuit regarding the wages due to North American mariners from their captains shall be admitted before the tribunals." I did not succeed in obtaining payment for men out of the condemned vessel, but on this point thought it not prudent to go far.

I have the honor to be, &c.

GEORGE W ERVING.

Mr. MONROE, *Secretary of State.*

No. 7—B.

COPENHAGEN, *April* 10, 1812.

SIR: In one of the first interviews which I had with your Excellency, you assured me, on the part of His Majesty, "that, for the future, the United States, should have nothing to complain of;" fully relying then on the good faith and friendly sentiment in which this declaration was made, to those favorable dispositions of His Majesty I have addressed all my subsequent reclamations; and the reports which I have, from time to time, submitted to my Government, have corresponded to the harmony thus established in our proceedings. Judge then, sir, with what extreme concern and regret I now find myself under the necessity of protesting and reclaiming against a sentence of the High Court of Admiralty, grounded on the King's own decision, against the American ship Brutus and her cargo, the genuine property of American citizens; in favor of which I have been for several months negotiating with your Excellency; respecting which I have furnished documentary evidence of great importance, and the circumstances of which I was so fully authorized to consider as peculiarly favorable. Judge, sir, of the concern with which I see, in the sentence now given, that the reclamation which I have made, in this case, has been passed over; the documents which I have furnished have been set aside; and that grounds for condemnation have been assumed, wholly insufficient, and, in part, even contrary to facts as established by these documents. I am perfectly certain that His Majesty does not believe that I am capable of attempting to support any cause but the just cause of a genuine American citizen; nor shall I readily abandon the conviction that he is still actuated by the just and friendly dispositions which motived the declaration above cited; hence I must presume that the misrepresentations which have been made to him, and the influence which has been produced in his mind, on the present occasion, are of a very extraordinary character; this conclusion is the more unavoidable since, certainly, I have long since succeeded in convincing your Excellency, who has such high and indisputable title to the entire confidence of His Majesty, that the cause of the Brutus is a just one, nor can I, in this view, fail to notice that the opinion of the Chancery was in its favor, that there was a division of opinion amongst the members of the High Court, and that the vessel was fully acquitted by the Inferior Court in Norway. By my note of December 13, 1811, I furnished to your Excellency proofs that the captor's appeal from that sentence had been made only because the American captain (Fenno) refused to pay six thousand rix dollars by way of compromise; and this complaint having been laid, by His Majesty's order before, and having been duly investigated by the Chancery, was deemed to be so well founded and so reasonable, that a new and severe law upon that subject was judged to be expedient. This is, in fine, the only case which has come before the King, wherein he has decided unfavorably against a prior sentence of acquittal by one of his tribunals; and it is the only case, as far as I know, wherein a difference of opinion amongst the members of the High Court existing, he has not decided in favor of the claimant. To the just and liberal principles which actuated His Majesty on such occasions, in this case was added that which, even in default of other favorable circumstances, it was to be supposed, could not but determine him to release the vessel; the offer on the part of the captors, and the refusal on the part of the American captain, to compromise; for what stronger presumption can be furnished against the justice of the captors' claim than their offer to compromise it for a small sum, or what more favorable to a belief in the American captain's innocence than his refusal to pay that sum?

By the copy of the sentence, which I have herewith the honor to enclose, your Excellency will perceive that the tribunal has commenced by an assertion that Captain Fenno, during his detention, attempted to escape, and that upon this supposed attempt are grounded its "suspicions;" but in the note which I addressed to you on the 4th of January I enclosed a document which proved most incontestably that no such attempt was made, and that the assertions of the captors, in this respect, were altogether false: how astonishing, then, that the High Court should venture to place its sentence on such ground. The other motive mentioned in the sentence, considered as objections to the neutrality of this ship and cargo, are scarcely entitled to comment. What, if different handwritings are found in a sea-letter, which issued from a department where many clerks are employed? What, if "omissions" or "errors" in such or other documents? I must observe, however, that the sea-letter in question was submitted to the examination of the Ameri-

can Consul, Mr. Saabye; and that he gave a formal certificate that the paper was genuine, which certificate was submitted to the Court by the claimant's counsel. As to the certificates of the French Consul, the American captains must receive them as the Consuls may please to give them, with whatever errors or absurdities they may contain; but it is worthy of particular observation, that the objection made, in this case, to the French Consul's certificate, originated in the tribunal itself. The captor did not deem that certificate to be of any importance; no objection was taken to it in any of the prior proceedings; the counsel of the American captain, of course, had not any opportunity of defending his client on that head.

We herein see an innovation on judicial proceedings, of a character entirely novel—the court placing itself in the situation of the accusing party, and condemning the property in litigation, on grounds not assumed by the captor. The only documents of real importance to be considered, are—1. The register. Is it, or is it not, a genuine document, proving the vessel to be the property of the persons therein named? 2. The clearance. Did the vessel, or did it not, come from New Orleans, as the captain pretends? 3. The bills of lading and invoice. Do they, or do they not, describe the cargo actually on board? These points, satisfactorily established, what else can be wanting, where the intention is to do justice to the captured, and to respect the neutral rights of the country to which he belongs? I can assure your Excellency, in fine, that of all the decisions which have taken place since my arrival here the one now in question is the most extraordinary. If, amongst all the just cases in which I have interfered, there was one which appeared to me to stand most clear from difficulties of all kinds, it was this of the Brutus;—and I was still more gratified in the confidence which I have indulged, that the vessel would be acquitted, because it was the last remaining on the list of captures which have occurred since my arrival here. What may be the merits of the captors, in the view of the King, I will not presume to conjecture; but I am sure that they cannot have any which can interfere with a due application of His Majesty's just principles, or any in relation to this case which are not founded on misrepresentation. I must, therefore, earnestly request that your Excellency will lay this representation before him; and I do confide, that, when His Majesty sees what I have stated, and is pleased to consider the enclosed sentence of his tribunal, he will think proper to reverse it, and to order the restitution of the property thus condemned. I have, &c.

GEORGE W. ERVING.

No. 8, B.—*Translation from the Danish.*

Copy of the sentence pronounced by the High Court of Admiralty, in the case No. 164.

Captain JOHN FENNO, *vs.* J. T. SAMUELSEN, *et al.*

As Captain Fenno's conduct during the detention in endeavoring to escape the privateers must render him suspicious, and therefore authorize the capture, so his later conduct affords a grounded reason for calling his neutrality into question.

Besides, in the very documents by which Captain Fenno wants to prove the nationality of the vessel, and the legality of the voyage, there are found such deficiencies, that the precepts contained in the prize act, in this respect, cannot be looked upon as being accomplished.

1. The sea-letter is not in the usual order, as partly it is not filled out, and partly an elucidation is wanting in several places respecting the domicil and burden of the vessel. The only place where the burden is mentioned, is perceptibly added by a strange hand. Thus, the sea-letter can only be considered as a blank, arranged per *males artes* for the use of the vessel.

2. The attest found on this certificate of the cargo, under the name of the French Consul, must be false. Though the French Consuls might still, in the year 1811, have made use of the insignia of the French Republic, still it can no wise be admitted that words without meaning should have been inserted in their seals, which words are even put in a reversed manner. Thus, this seal must be counterfeited, by which no caution or accuracy has been observed, in order to imitate the true one. But, if the seal be considered as false, it also follows from thence, that the same must hold good with respect to the attest, the genuineness of which the seal is to confirm. And from this it further results, in pursuance of the prize act, and His Majesty's resolution communicated the 23d October, 1810, to this high court, that such a false attest vitiates the authenticity of all the other documents, even if they are in apparent order:

Decreed—

The ship Brutus, John Fenno, master, together with her cargo, litigated in this case, are hereby adjudged to Jens Tobias Samuelsen, and other privateer captains, as a good prize. The court charges of the prize court shall be paid out of the ship and cargo. For the rest, the costs of the process are annulled.

The High Court of Admiralty in Copenhagen, the 7th of April, 1812.

WLEUGEL.

I certify the correctness of the copy.

N. TERBOL.

I certify that I have truly and faithfully translated the above from the Danish.

Witness my hand and seal of office, Copenhagen, 8th of April, 1812.

N. HENRIQUES,
Translator Royal.

No. 20.

Extract from the list of vessels captured or detained in the year 1811. This extract being of those which were tried and released by sentences of the prize court in Copenhagen, from which the captors did not appeal; and showing the

amount of costs, fines, and taxes under the two per mille law, paid in virtue of said sentences.

LIST OF CASES.

Vessels.	Captains.	Two per mille.	Expenses of court.	Fines.
		Rix dolls.	Rix dolls.	Rix dolls.
Phœnix -	Freeman -	92	40	800
Swift -	Clarkson -	250	40	00
Augustus	Flint -	600	40	400
Dover -	Burrough -	118	40	30
William -	Goodwyn -	92	40	30
Experim't	Vibbert -	320	40	150
Swift -	Daggett -	160	40	00
Zodiack -	Millar -	1,212	40	800
Egeria -	Law -	902	40	00
George -	Howland -	320	40	00
Sukey -	Osgood -	400	40	00
Lion -	Jones -	1,412	40	1,000
Concordia	Johnson -	2,000	40	00
Packet -	Somes -	648	40	1,000
Jane Maria -	Moffatt -	36	40	600
Dover -	Groves -	392	40	600
Augustus -	Flint -	1,094	40	1,500
Horace -	Leach -	828	40	1,500
		10,876	720	8,410

RECAPITULATION.

Amount of two per mille - - - - -	10,876
Amount of expenses - - - - - -	720
Amount of fines - - - - - -	8,410
Total amount, rix dollars,	20,006

N. B. The Danish rix dollar may be estimated, in this account, at an average of seven and a half, equal to one Spanish.

This extract does not contain the vessels released by the prize court in Norway, viz:

Hœbe, Parson; Pilot, Gower; Industry, Cook; Fame, Perry; Comet, Dennis.

Nor the "Rachel," Mattenly, released at Aalborg.

Nor the "Delaware," Gill, and "Dolphin," Latham, which were released on the preliminary examinations.

Nor the "Herald," Silsby, which was neither fined nor taxed, but received eight Spanish dollars for each day's detention—all costs paid by the captor.

Extract from the lists of cases which were pending on the 30th of May, 1811, and of those which occurred during the year 1811, subsequent to the 30th of May. This extract containing all such cases as have been acquitted on appeals to the High Court of Admiralty in Copenhagen, and showing the amount of costs, fines, and taxes, under two per mille law, decreed against them in the sentences of said high court:

LIST OF CASES.

Vessels.	Captains.	Two per mille.	Expenses of court.	Fines.
		Rix dolls.	Rix dolls.	Rix dolls.
Egeria -	Law -	550	40	1,000
Oscar -	Cunningham -	400	40	00
Minerva -	Baker -	408	40	1,000
Pittsburgh	Yardsley -	322	40	00
Richmond	Jarvis -	212	40	1,000
Amiable Matilda -	Hague -	332	40	00
Nimrod -	Smith -	356	40	1,000
William & Jane -	Bunker -	760	40	2,000
Rachel -	Joseph -	548	40	00
Washington -	Almy -	652	40	00
Washington -	Brown -	246	40	2,000
John -	Raynolds -	540	40	00
Jeremiah -	Russell -	438	40	00
Nancy -	Eveleth -	246	40	1,000
Joseph -	Allan -	352	40	00
Maria Theresa -	Phelps -	156	40	700
Laura -	Lambert -	404	40	1,500
		6,922	680	12,200

RECAPITULATION.

Amount of two per mille - - - - -	6,922
Amount of expenses - - - - - -	680
Amount of fines - - - - - -	12,200
Total amount, rix dollars,	19,802

N. B. This extract does not contain the "Ariel," Butler; "Fair Trader," Craig; "Minerva Smyth," Mann; acquitted by virtue of decree of Sleswick Holstein Chancery.

Nor the "Maryland," Peters; in which case sentence had not issued at the closing of this list.

GEORGE W. ERVING.

COPENHAGEN, *April* 10, 1812.

No. 17.

Mr. Erving to Mr. Monroe, Secretary of State.

COPENHAGEN, *April* 12, 1812.

SIR: With my despatch, No. 10, was submitted to you a copy of the reclamation, dated November 4, which I thought it my duty to make against the sentences of condemnation passed by the Danish tribunals, in the years 1809 and 1810, on American ships and cargoes. Mr. de Rosen-

krantz was prevented at first by ill health, and afterwards for a long time by pressure of various business (as I understood) from laying it before the King; in the meantime he continually discouraged any expectation that His Majesty would accede to the propositions which it contains, persisting in his declaration to me on my first arrival here, that there was no remedy for the past. Finding that in the usual course of business it was necessary for the Minister to inform himself fully and particularly as to the contents of the note, so as to submit it to the King by abstract only, I thought that I might at once expedite my object, and add to the probability of success in it, by having the note translated into the Danish language; I sent such a translation to the Minister, on the 22d of January, requesting (by No. 1 of the enclosures) that the whole might be laid before the King. This was done on the 14th of February, and on the same day the Minister addressed to me the note, No. 2, relating to Danish claims on our Government, to which I answered, on the 17th of February, as by No. 3, and on the 9th instant I finally received the Minister's reply to my reclamation of November 4. (No. 4 of the enclosures.)

All my former communications, sir, have prepared you for this result, and the most extraordinary delay of the King in announcing it, though so far creditable to him, inasmuch as it denotes the reluctance with which he has come to a conclusion which he cannot conscientiously approve of, and which he has not found any admissible pleas to support or to countenance, yet has also afforded me the means of ascertaining that no favorable change of this determination is to be hoped for.

All the business which my appointment had in view being now completed, and as there is not, as far as I know, one American vessel actually under detention (by Danish capture) in any port of this Kingdom; after answering the Minister of State's note in suitable terms, I propose, pursuant to my instructions, to take leave and depart for Paris. I wrote yesterday to Mr. Barlow for passports, and as soon as they arrive, which may be about the commencement of next month, I shall be entirely ready to make use of them. In the meantime, I send home with this, and other despatches, my Secretary, Mr. Lewis, whose fidelity, industry, and zeal in the public service, I so entirely approve of, that I cannot but recommend him to your patronage and protection. Previous to my departure I propose, as I have before mentioned to you, to present Mr. Forbes in the quality of "agent" to the Minister of State, and to the other departments of Government here, and I doubt not but that if any of our vessels should hereafter be captured by Danish cruisers, he will be able to afford them every assistance of which their cases may be susceptible, and that his respectability of character and his other qualifications will procure due attention to his official representations. I hope also that on my return to Paris I may be able to assist Mr. Barlow in obtaining a favorable adjustment of the questions which have arisen out of the French captures in this quarter.

It seems to be scarcely probable, even if we should not be at war with England, that any of our vessels which may have left the United States for Russia will, if they touch at Gottenburg for information, proceed on their voyages; for either the Emperor of France will occupy the Russian ports, or the Emperor of Russia will submit to his terms; in either of which cases those ports will be rigorously closed against "colonial produce." If the Emperor of Russia should successfully resist, then his country will be inundated with whatever we can supply by the commerce of England; in this last case it is not to be supposed that the English will take any neutral vessels under their convoy; in the two former cases the neutral will not have any motive for joining convoy: on the other hand, the French cruisers will certainly intercept every vessel not under convoy, which may enter the Baltic with colonial produce; and it is equally certain that such cruisers will be sufficiently numerous; for, independent of the privateers properly French, the Danes have found so little encouragement for privateering during the last twelve months, that many of them are reduced to the necessity of seeking French commissions.

Mr. Lewis will carry with him the original of my despatch, No. 10, which encloses authentic copies of the sentences therein referred to; in these, sir, you will notice more particularly the extraordinary principles and offensive doctrines on which the tribunals have founded their decisions; and in case our country should still continue in peace, Government, having the whole matter before it, will be able to give our commerce such direction, and to place it under such regulations as may best comport with its future security.

With the most perfect respect and consideration, I have the honor to be, sir, your very obedient servant.

GEORGE W. ERVING.

Hon. JAMES MONROE,
Secretary of State.

No. 1.

Mr. Erving to Mr. Rosenkrantz.

COPENHAGEN, *January* 22, 1812.

SIR: I have the honor herewith to enclose a translation into the Danish language of my note to your Excellency of November 4, and of the statement thereto annexed. These I have caused to be prepared with particular care, trusting that you will be pleased to lay them in their entire form before His Majesty.

I cannot but take this occasion of renewing to your Excellency the expression of my earnest desire that you would enable me to transmit to my Government His Majesty's resolutions on the subject; nor of my anxiety that those resolutions, marked by the enlightened and friendly policy which I have anticipated in my reports to

my Government, may correspond to the just expectations of the United States, and cement that harmony and good understanding between the two countries, which ought always to subsist.

I have the honor to be, &c.

GEORGE W. ERVING.

Mr. DE ROSENKRANTZ, &c.

No. 2.

[TRANSLATION.]

COPENHAGEN, *February* 14, 1812.

The Danish brig Henrick, Captain Scheel, departed from Cape François in 1799, was captured in the month of October, of the said year, by a French privateer, and recaptured a few days after by the United States' ship Pickering, which took her into the island of St. Christopher's, where she was condemned on the ground of being recaptured, whereby the owner only obtained about one-eighth part of the value of the vessel and cargo.

The American Government ought to be held responsible for this measure, having by their instructions of March 12, 1799, authorized her armed vessels to recapture all prizes taken by the French privateers. The sentence of condemnation, pronounced, appears also, to contain an inadmissible application of the American laws, which do not relate to the recapture of *neutral* vessels. The two accompanying printed documents prove that Mr. Madison, then Secretary of State of the United States, recognised the validity of the claim, and recommended the interest of the claimant to Congress. The owner, however, having been frustrated in his attempt to obtain the compensation due to him, has been obliged to institute a suit against the officers who recaptured his vessel, of which he is still waiting the issue.

A similar claim was preferred by the owner of the ship Mercator, captured in 1800, by Lieutenant Maley, commander of the United States' vessel Experiment, afterwards taken by a British cruiser, which carried her to Jamaica, where she was declared a good prize.

It is shown by the annexed printed report that damage to the amount of $33,864 has been awarded to the owner in this case; but he has not yet been able to obtain payment.

In presenting these claims to the notice of Mr. Erving, the special Minister of the United States of America, the undersigned Minister of State, and Chief of the Department of Foreign Affairs, flatters himself, that he will lay them before his Government, and endeavor to obtain for the parties interested that indemnity which the justice of their claims so evidently calls for, but which the intervention of His Majesty's Chargé d'Affaires has not, to the present period, been able to accomplish.

The undersigned, in praying Mr. Erving to have the goodness to return him the enclosures, avails himself of the opportunity of renewing the continued assurance of his high consideration.

N. ROSENKRANTZ.

No. 3.

Mr. Erving to Mr. de Rosenkrantz.

COPENHAGEN, *Feb.* 17, 1812.

SIR: I have received your Excellency's note of the 14th instant, relating to two claims of Danish subjects on the Government of the United States. I am uninstructed as to those claims, otherwise than by that note, and by the documents which it enclosed. In these I perceive, with great satisfaction, that during a war of two years between the United States and France, at a time when the Danish commerce was in activity, and the Western ocean was covered with American cruisers, the causes of complaint afforded to this country were confined to these cases; one of them a mere question as to the amount of salvage exacted on a recapture, and both of them grounded on the errors or misintelligence of officers employed on foreign stations; that these reclamations do not involve any misconduct of American tribunals, any violation of public law, any offence of neutral rights, or any bad faith or unfriendly disposition of the Government of the United States; but, on the contrary, that in every stage of the claims a love of justice, a respect for neutral rights, and a frank, generous, and friendly character towards Denmark, has been continually manifested by that Government; and, finally, that complete satisfaction to the claimants has hitherto been delayed by causes, which, though beyond the control of the Executive, do not forbid the expectation of redress.

I shall have the honor to submit to my Government a copy of your Excellency's note, adding whatever may be proper, on my part, to promote the object of it. I renew, &c.

GEORGE W. ERVING.

I return herewith the printed papers which were enclosed in your Excellency's note.

M. DE ROSENKRANTZ.

No. 4.

[TRANSLATION.]

COPENHAGEN, *April* 9, 1812.

The undersigned, Minister of State of the Department of Foreign Affairs, having laid before His Majesty the note which Mr. Erving, the special Minister of the United States of America, addressed to him the 4th November of last year, the principal object of which is to claim the revision of several sentences, definitively pronounced by the Supreme Tribunals of Admiralty, which the Special Minister considers ill-founded, and, in opposition to the principles he maintains, ought to serve as a basis to the proceedings on prizes, and rules for the judges authorized to pronounce between the captors commissioned by the Danish Government, and the captors and owners whose vessels have been captured under the flag of the United States, is authorized by the orders of His Majesty to make known to Mr. Erving, Special Minister of the United States, that the King's very particular sentiments of friendship for the United States, and his esteem for the President,

cannot influence him to permit a revision of the sentences pronounced, terminating the causes arising from captures made by the cruisers under the flag of the United States.

The Special Minister will be pleased to find in this assertion, which is founded on the facts he may have made himself acquainted with since his residence here, that the American flag has on all occasions been treated in the maritime tribunals conformably to the rules established, precisely in the same manner as the neutral flags of Europe.

The undersigned is moreover authorized to observe to Mr. Erving, Special Minister of the United States, that if permission were given to the captured, who have pleaded before the tribunals which have decided by a definitive sentence between the parties, to make in their favor, revision of the causes terminated, the same indulgence should be given to the captors, who might complain of the sentences pronounced against them, and that in this manner the causes arising from prizes would experience indefinite delays, as prejudicial to the captured, as to the captors.

The undersigned, in expressing to Mr. Erving his regret at not being able to grant what the Special Minister proposed to him, has the honor to renew to him the assurance of his high consideration.

ROSENKRANTZ.

No. 19.

Mr. Erving to Mr. Monroe, Secretary of State.

COPENHAGEN, 17th *April*, 1812.

SIR: I have the honor herewith to enclose the reply of Mr. de Rosenkrantz to the last reclamation, which I presented to him in the case of the "Brutus," a copy of which was transmitted with my despatch, No. 16.

With the most perfect respect and consideration, sir, your very obedient servant,

GEORGE W. ERVING.

[TRANSLATION.]

COPENHAGEN, *April* 6, 1812.

The undersigned, Minister of State and Chief of the Department of Foreign Affairs, has not failed to attend to the reclamations which Mr. Erving, the Special Minister of the United States of America, made to him under date of the 23d September, 23d November, and 13th December, of the last year, in favor of the different American vessels, and specially in that of the Brutus, Fenno, master, captured and brought into a port of Norway.

It is known to Mr. Erving, that the causes of the vessels, mentioned in the list of the 13th of December, have all been decided in favor of the captured, with the exception of the Maryland, now waiting a decision, and of the Brutus, which, as well as the others, have been reported to the King.

It is with regret that the undersigned is obliged to inform the Special Minister, that His Majesty, after having examined into this affair, has thought proper to leave to the Supreme Tribunal of Admiralty the pronouncing of the sentence, conformably to the principles and instructions prescribed to this tribunal by the regulations concerning privateers, and the ordinances regulating the proceedings before the Supreme Tribunal, and that this tribunal considers itself authorized to condemn both vessel and cargo for the reasons expressed in the sentence.

The decision of the King having been acted upon before the note of Mr. Erving, under date of the 10th instant, reached the undersigned, as the Special Minister will see by the date of the annexed copy of sentence, he has not been able to make use of the reiterated reclamations of Mr. Erving.

The undersigned flatters himself to be able shortly to inform the Special Minister, that the cause of the ship Maryland has been decided favorably.

He has the honor to renew to him the assurance of his high consideration.

ROSENKRANTZ.

No. 20.

Mr. Erving to Mr. Monroe.

COPENHAGEN, *April* 18, 1812.

SIR: I have the honor herewith to enclose a copy of what I propose to send to Mr. de Rosenkrantz, in reply to his note of the 9th instant.

With the most perfect respect and consideration, sir, your very obedient servant,

GEORGE W. ERVING.

P. S.—I shall leave with Mr. Forbes the documents belonging to the claims here, and the claimants' letters; but I think it most proper upon the whole, to transmit to you the original notes of Mr. de Rosenkrantz, and they are, therefore, herewith enclosed. G. W. E.

Mr. Erving to Mr. de Rosenkrantz.

COPENHAGEN, *April* 18. 1812.

His Excellency Mr. de Rosenkrantz, First Minister of State and Chief of the Department for Foreign Affairs, &c., &c.

The undersigned, Special Minister of the United States of America, has had the honor to receive the note which his Excellency Mr. de Rosenkrantz, First Minister of State and Chief of the Department for Foreign Affairs, addressed to him on the 9th instant, by order of his Sovereign, in reply to the reclamation made by the undersigned on the 4th November, 1811, against certain sentences of Danish tribunals, passed in preceding years on vessels and cargoes, the property of American citizens.

It appears that His Majesty has not thought proper to authorize the Minister of State to enter into discussion with the undersigned, upon any of the various subjects which that reclamation embraces; to contest or to acquiesce in any of the doctrines upon which it is based; to offer any kind of satisfaction for any of the various injuries which it complaints of; or, to propose any

correction of the abuses and malversations which it points out as the sources of those injuries.

It is, therefore, the duty of the undersigned, formally to declare, that the Government of the United States cannot rest satisfied with such a mode of treating rights which it holds sacred, and will never sacrifice; and with such a rejection of the just claims of its injured citizens, which it will never cease to assert and to protect.

The President will certainly receive with satisfaction the sentiments of particular friendship towards the United States, and of esteem for himself, which His Danish Majesty has been pleased to profess, sentiments which he will readily reciprocate, and which he was eager and sincere in advancing; but he will, at the same time, receive with surprise, as well as with peculiar concern, the declaration with which these professions are accompanied, refusing a reparation for the wrongs which he has complained of; wrongs which, unredressed, cannot but be considered as being but little in accord with such sentiments. These, his impressions, must be rendered still more forcible by the recollection that a suitable redress for similar wrongs has never been altogether withheld by any of the belligerent Powers, with which the United States have occasionally found themselves in collision; but, on the contrary, that each of the chief belligerents has heretofore furnished a signal example, wherein the firm and temperate voice of justice has prevailed over an erroneous policy; each has attended to and respected the remonstrances of the United States, satisfied with their demands, and amply compensated the losses which the temporary adoption of false principles, or the misconstruction, or malapplication of acknowledged principles had brought upon their citizens; thus recognising the sovereignty of just laws and the indefectibility of the neutral rights which spring from them: nor can the President be now reconciled to any infringement of these, to the cruising regulations of Denmark in those points which may offend them, or to the decisions of any tribunals, in as far as they may have the same tendency, by the only apology which His Majesty has authorized the Minister of State to offer for the wrongs complained of, viz: that these decisions are founded upon the same principles which direct the conduct of Denmark towards neutral European Powers, and that in cases wherein those Powers have been thereby affected, no revision or retrospect has taken place; for, without entering into the inquiry, whether there does, or does not, exist an European Power neutral with regard to Denmark, and with which she can possibly come into collision on such subjects, without pointing out the difference between the neutral position of the United States, and that of any European Power, or examining in any degree the conduct of Denmark towards the European Powers, neutral or otherwise; it is sufficient to observe, that the United States have not made common cause with any other neutral Power; they have not bound up their fate with, nor do they mean to submit their rights to the arbitration of, or to pare them down so as to suit the convenience of any Power whatever—these rights are clear, pronounced, and unequivocal, they are found in the great code of public law; if other Powers have not the same interest in defending, if they find it convenient to relinquish, or, for any reasons whatever, cease to assert such rights, no obligation to abandon them is thereby imposed on America; but to the contrary, standing alone amidst the great struggle of nations, her obligation to protect that sacred deposite is strengthened, and she becomes doubly responsible to posterity for this great inheritance, since she is not deficient in the power and means of preserving it.

His Excellency the Minister of State seems to suppose that the principal object of the undersigned is to obtain the "revision" of the sentences of the tribunal specified in his note of November 4th. It is proper, therefore, to consider this part of the subject, though he must premise by observing, and he begs His Excellency to understand, that the object of that note, which embraced various subjects of complaint, was to obtain satisfaction and compensation, leaving the "mode" and the "means" to be adjusted by mutual accord, for he is entirely unwilling to rest the claims of the United States, or to make them in any wise dependent on an abstract discussion as to the course which may be taken to produce the satisfaction required.

The undersigned, in his note of November 4th, has shown, as he trusts, most clearly and indisputably that the rights of the United States, as a neutral nation, have been violated by the decisions therein referred to; if not, he has invited the Minister of State to discuss the principles on which his reclamation is founded. Can it be deemed to be a satisfactory answer to such a reclamation, that other nations have submitted to similar decisions? Can it be imagined that the term "definitive" as applied to such decisions is conclusive against the United States? Can it be expected that they will acquiesce in a decision as *just*, because it is termed "definitive?" The Constitution, the faculties, and the police of Admiralty tribunals, in this as in every other country, are formed by and depend on the will of the Sovereign, and is strictly responsible to foreign nations in all cases affecting their rights for a correct administration of justice, on the principles of public law which form the basis of those rights. No foreign nation submits its cause to the arbitrary or capricious decisions of such tribunals, or respects their decisions in any degree, further than as these may be found to conform to its own sense of its own rights. The tribunal is the mere instrument of the Sovereign, with which he operates, and it is his duty so to direct the use of it, that it may not do injury to the rights of others; the foreign nation therefore looks with reason to the tribunal only as indicative of the temper of the Sovereign by whom it is appointed, and under whose authority it acts, and not as the arbitrator of its own destiny. When a foreign Government complains of the conduct of such tribunals, it calls upon the good faith of the Sovereign to repair the wrong which he ought to have restrained.

Shall it be competent for the Sovereign to refer the offended party for satisfaction to the very cause of complaint? What is this but to adopt the injustice complained of? Since when has it been agreed that the belligerents shall give law to neutral nations? Does the "ancient faith" which in peace, augmenting confidence, removed the probabilities of war, and in war mitigated its horrors; does it no longer subsist? Or, in a merely political calculation, does it not occur that the belligerent may hereafter become neutral? However these questions may be answered, it is certain that there is a self-conserving principle in truth and right which insures their vindication, so that a nation may be said to be deceiving itself when it refuses what is due to the just demands of others.

His Excellency the Minister of State has been instructed to observe, that if His Majesty could consent to a revision of the sentences of his tribunals, in favor of those whose property has been condemned he ought to extend such revision to the sentences, by which captured property has been acquitted.

The undersigned takes the liberty of remarking, that the reclamation which he has made is the reclamation of the American Government against certain sentences of condemnation, passed on American property by tribunals appointed by His Danish Majesty and acting under his authority. The American Government finds itself aggrieved by such decisions. Is His Majesty dissatisfied with the decisions of a contrary character, by which American property has been acquitted? Certainly not: yet only upon that ground could His Majesty desire a revision of the sentences of acquittal, for no question now exists between the captor and the captured; the question is between Government and Government; nor is it readily to be conceived, that tribunals whose decisions the Government of the United States has found such ample and solid reasons to complain of, can in other cases, have done injustice to His Majesty's subjects. It is because the tribunals have been partial to His Majesty's subjects; because they are not courts of arbitration, in which the United States has its equal representation, and hence have acted on principles the justice of which the United States does not acknowledge, that a revision of their sentences against the property of American citizens may be reasonably proposed by the American Government, and may be acceded to by His Majesty, without this plan contemplating any injury to his subjects. These are the grounds on which similar revisions have been demanded in other countries, and have been granted, and compensation obtained, without its ever having been proposed that sentences of acquittal, which have only tended to diminish the amount of the injuries complained of, should also be revised.

The undersigned cannot, therefore, but hope that His Danish Majesty, on a reconsideration of this important subject, will see fit to adopt some plan with respect to the matters complained of, which may satisfy the just expectations of the United States. He has thought that it best comported with the friendly and conciliatory dispositions of his Government, not to propose any which should interfere with such arrangements, as having due regard to the object it might be most convenient to His Majesty to make, and therefore in his note of November 4th, stated, what he will here repeat, "that the mode, the means, and, to a certain extent, even the time may be subjected to considerations of mutual convenience and accord." He requests that the Minister of State will be pleased to lay this note before His Majesty; a correct translation of it in Danish is herewith enclosed.

He renews to His Excellency the Minister of State, assurances of his distinguished consideration.

GEORGE W. ERVING.

His Ex'cy M. DE ROSENKRANTZ.

No. 21.

Mr Erving to Mr. Monroe, Secretary of State.

COPENHAGEN, *April* 20, 1812.

SIR: With my despatch No. 8 (of September 8th) I had the honor to submit to you copies of my correspondence with Mr. Desaugiers, then Chargé d'Affaires of France, which I had previously laid before the Minister of State here, and which was also transmitted by Mr. Desaugiers to his Government. In my notes to Mr. Desaugiers were particularized the various excesses of the French corsairs in these waters, which appeared to me contrary to the spirit and intention of that Government, as well as injurious to our commerce; it is with great satisfaction that I now transmit to you the new instructions which Mr. Desaugiers has been ordered to give to the captain of the corsairs.

With the most perfect respect, &c.

GEORGE W. ERVING.

His Exc'y M. DE ROSENKRANTZ.

No. 22.

Extract of a letter from Mr. Erving to Mr. Monroe Secretary of State.

COPENHAGEN, *May* 9, 1812.

I have the honor herewith to transmit to you duplicate of my letter No. 20, (by Mr. Lewis,) dated April 18th. The note of the same date to which it refers, with the few alterations which will be found in this duplicate, was sent to Mr. de Rosenkrantz on the 21st, and was laid by him before the King on the 1st instant; in the meantime I had several conversations with that Minister upon the subject of it, in which I did not fail to urge whatever might contribute to a favorable answer on the part of His Majesty; finally, on the 8th instant (yesterday) he sent to me the note of which the enclosed is a copy. You will observe, sir, the new position which our claims assume under this communication, and the reasonable expectation which it affords of a settlement hereafter. I have endeavored to have this point placed in a more formal and explicit shape

[TRANSLATION.]

Mr. de Rosenkrantz to Mr. Erving.

COPENHAGEN, *May* 8, 1812.

The undersigned, Minister of State, and of Foreign Affairs, has had to explain to Mr. Erving, special Minister of the United States of America, in his note of the 9th of last month, the motives which have influenced the King, his master, not to grant the revision of the sentences of the Supreme Tribunal of Admiralty definitively terminating the causes brought before this tribunal, arising from the captures made by Danish cruisers of vessels sailing under the flag of the United States, and that for this reason he could not persuade himself that the ulterior representations which the Special Minister had thought proper still to address him could produce any change in the determination of His Majesty. The Minister of Foreign Relations has, however, prevailed on the King, his master, to be pleased to examine the note which Mr. Erving addressed to him, under date of the 18th of last month, reiterating the claim to redress for the wrongs previously recited, and satisfaction for which he considers it his duty still to insist upon.

The undersigned hastens to have the honor to inform the Special Minister that it has been enjoined on him by his Sovereign to answer the abovementioned note of the Special Minister, by referring to the contents of his preceding note of the 9th, as to the friendly dispositions of His Majesty towards the Government of the United States; to add the expression of his extreme regret that he cannot agree to the opinion expressed by Mr. Erving, as being that of his Government, in regard to the conduct observed towards vessels under American flags, brought into the ports of his dominions by his armed vessels or by those provided with letters of marque.

The war in which the Danish nation is engaged with Great Britain, who employs every means to conceal from observation the enterprises of its merchants, in making use of foreign flags and merchants, have caused those measures, the object of which is to preclude English commerce from the advantage growing out of the disposition it has always found in the merchants of other nations to become the agents of prohibited trade. It is too well known to Mr. Erving, and it ought to be to his Government, that American merchants and mariners have frequently lent themselves to enterprises of this nature, for the Danish Government to consider it necessary to multiply the proofs which it has on the subject.

It is well known to the Danish Government that the United States do not pretend either to approve or defend the conduct of American citizens who, from the thirst of gain, are engaged in enterprises which expose them to loss, if the fraud is discovered. Proofs are not wanting to show that they have frequently succeeded in imposing both on the officers empowered to examine captured vessels and on the tribunals of prizes. The subterfuges to which they resort, to prevent the discovery of the enemy character of the expedition have necessarily induced those intrusted by the King with the examination, as well as the tribunal, to redouble their activity, in order to fulfil the views of His Majesty; but it never has been conformable with these, to suffer that any injury should be sustained by the mariners and merchants of friendly nations who carry on a licit and unsuspicious commerce.

The persevering struggle of the Danish Government in favor of the principles upon which they repose the liberty of the commerce and navigation of neutral nations, forbids the supposition that it would wish to derogate from them; but it has a complete right to tear the mask from the commerce of its enemy, who recognises no law in regard to navigation as soon as neutral Powers are in question. The King will not renounce the exercise of this right. If His Majesty could be persuaded that in particular cases it should happen that appearances might have prevailed in the examination of some causes to the detriment of some American citizens, who might not have been able to demonstrate sufficiently that their enterprises of commerce were legitimate, he would assuredly be led to address just complaints, as he has on several particular occasions given proofs of his favorable dispositions towards the American vessels which circumstances have conducted to the ports of his Kingdom.

The King wishes therefore, to give, himself, proofs to the Government of the United States of the sentiments of justice with which he is animated.

The undersigned flatters himself that the President of the United States will be easily persuaded, that, during so hard a contest as that with which Denmark now sustains against the Government who so evidently disavows the rights of nations engaged in navigation, the moment is not favorable to bring anew under consideration the reclamations which the Government of the United States may find it convenient to make at that period, in relation to the objects of discussion.

The undersigned has the honor to renew to the Special Minister the assurance of his high consideration.

ROSENKRANTZ.

ALGIERS.

[Communicated to the House, November 17, 1812.]

To the Senate and House of Representatives of the United States:

I transmit to Congress copies of a letter from the Consul General of the United States to Algiers, stating the circumstances preceding and attending his departure from that Regency.

JAMES MADISON.

NOVEMBER 17, 1812.

Extract of a letter from Mr. Lear, Consul General at Algiers, to the Secretary of State. On board the American ship Allegany, at sea, July 29, 1812.

"On the 17th instant, I had the honor to receive your respected favors of the 6th of Febru-

ary and 29th of April, 1812, by Captain Ebenezer Eveleth, of the ship Allegany, which arrived at Algiers on that day, with the four new Mediterranean passports, two hundred tops, and the several packages containing messages, reports, newspapers, &c., together with the letter of Richard Forrest, Esq., covering the invoice and bill of lading of the ship Allegany, sent from the United States with a cargo of naval and military stores for the Regency of Algiers, in fulfilment of treaty stipulations.

"I must delay replying to the particular points in your letter of the 29th of April, until I shall have given an account of the most unexpected and extraordinary event which I believe has ever taken place, even in the extraordinary events of Algiers, in order that I may have it ready to transmit, in case I should meet any vessel bound to the United States.

"On the arrival of the Allegany, the Dey and the officers of the Regency expressed the most entire and complete satisfaction; and until the 20th instant, when they began to discharge the cargo, there was no appearance of any other sentiment. On that day a large quantity of spars and plank were taken on board a lighter, by the people of the marine, to be carried on shore, by order of the Minister of Marine, but they were not landed. At noon the Minister sent to request a note of the articles, and their quantity, which were on board the ship for the Regency, that he might lay it before the Dey in the evening, agreeably to his orders. I accordingly sent the note, taken from the invoice, but without affixing the prices. At six P. M., I received a message by my dragoman, from the Minister of Marine, informing me that when he laid my note of articles before the Dey, he became very outrageous on finding there was only fifty small barrels of gunpowder, and four cables on board; when the note sent to the United States in 1810, as furnished by the Minister of Marine, demanded five hundred quintals of gunpowder, and twenty-seven large cables, besides a very large quantity of cordage and other articles, as may be seen by said note, forwarded in my letter of August, 1810, to the honorable the Secretary of State; and told the Minister that he would not receive the cargo, but would send the ship away from Algiers, and that I must depart in her, as he would not have a Consul in his Regency who did not cause everthing to be brought exactly as he (the Dey) ordered.

"Early on the morning of the 21st, I waited on the Minister of Marine to inquire into this procedure, when he confirmed all that had been told me by the dragoman, and added many other expressions of anger and disgust of the Dey.

"I reasoned with him on the subject, stating that it had never been usual to send the whole of such large orders at one time; that we had been very punctual in our payments, and that the cargo of this vessel would probably pay all that we owed; that cargoes had always come in this manner, assorted, with a part of each article, and that I had never before found any difficulty; that powder and cables were articles of which we did not make enough for our own use in the United States, and that it was almost impracticable, at this time, to bring them from other countries, as was well known to himself and all the world; that, in the present distracted state of nations, it was possible the United States might be forced into a war, and that it behooved our Government not to be destitute of so essential an article of defence as gunpowder; but that on a future occasion we might be able to send more; with many other remarks, which he allowed to be reasonable, but said that the Dey was determined; and that when he had once fixed a resolution he never departed from it. And added, that the Dey insisted upon having everything brought which he ordered, without regarding whether it amounted to more than the sum stipulated in the treaty or not; and that I must depart on Thursday the 23d instant, on board the Allegany, with all the Americans now in Algiers.

"I wished to see the Dey, and for that purpose desired an audience, which was denied me.

"I then requested that a few more days might be allowed for my remaining, that I might prepare myself, as it was impossible to make any arrangement of my affairs in so short a time, hoping in the mean time, to make some accommodation of this business. The answer was that the Dey would not allow an hour.

"I wrote a circular to the Christian Consuls in Algiers, informing them of my ordered departure.

"The spars and plank which were taken out of the vessel yesterday, were returned on board this morning. In the morning of the 22d, I sent my dragoman to the palace to say that I wished to make a settlement of the cargo of the brig Paul Hamilton, which had been delayed by a request from the palace until the Allegany should arrive, when a settlement could be made for both vessels at the same time.

"The request was granted, and the dragoman informed me that the Dey wished me to bring our treaty with me, that we might see the time when it commenced, the terms, &c., in order to make a final settlement of our accounts. This I did, and while I was settling the account of the Paul Hamilton's cargo with the Prime Minister and Secretaries, in the usual manner, the Dey's dragoman came down, and said, the Dey wished to see the treaty which I had brought. I gave it to him without hesitation, supposing that the Dey might wish to see something in it, or that he might compare it with that which was in the palace. But when I demanded the treaty again the Dey refused to deliver it, saying, by his dragoman, that when a Consul was sent away, he, the Dey, should always keep his treaty, and that such had ever been the custom at Algiers.

"After settling the account of the cargo of the Paul Hamilton, which amounted to $12,109, and producing a tiscary or acknowledgment of a balance due to the United States, which had been given in February, 1810, at the settlement of the cargoes of the ship Resource and brig Blanchy, for $26,065; the Minister and Secretaries said

there was still $27,000 due to the present time. This I denied, as I had the receipts of the Regency for the payment of annuities for fourteen and a half years, exclusive of the amount of the cargo of the Paul Hamilton and the tiscary, for $26,065, and as our treaty was concluded on the 5th of September, 1795, it would be only seventeen years in the whole, from which the fourteen and a half years were to be deducted, leaving two and a half years ending the 5th of September next, and amounting to $54,000, from which deducting the cargo of the Paul Hamilton, and the tiscary before mentioned, would leave but $15,826, and which I had no doubt but the cargo of the ship Allegany would fully pay, if it should be received.

"The Minister then observed, that they counted the year by the Mahometan calendar consisting of three hundred and fifty-four days, so that the difference in seventeen years would make it one-half year more than we counted. I told him that I had always reckoned the years in the Christian manner of three hundred and sixty-five days; and that I presumed the same was done by all other Consuls having accounts of a similar nature with the Regency. He said it was never so done, or allowed by the Regency, and immediately sent up a note to the Dey, of the sum due by his account, viz: $27,000.

"After a short time the Dey sent down word by his dragoman, that the balance must be paid *immediately in cash*, and that the vessel, with myself, &c., must depart to-morrow as he had ordered. I answered that it was impossible for me to comply with the Dey's order, even if I acknowledged the balance to be just, and had every disposition to pay it, as I had not the means of obtaining the money, especially as the cargo of the ship now in port was sent by my Government for the express purpose of paying what might be due to the Regency, and was the strongest possible evidence of our punctuality in fulfilling our engagements.

"The Prime Minister then went up to the Dey, with the dragoman, and soon returned, saying that the Dey persisted in his first order, that the money should be paid *immediately*; or that I should be sent to the marine in chains, the vessel and cargo confiscated, and all the citizens of the United States now in Algiers be detained in slavery, and *war* instantly declared against the United States.

"I told the Minister that the matter was now brought to a decision, and that I must go to the marine in chains, for it was not *possible* for me to obtain the money; and had no more to say on the subject, but would warn them of the evil which they were bringing on themselves, by such unjust and outrageous conduct.

"The Minister went to the Dey a second time, when I demanded to accompany him, but was refused, and soon returned with what he said was the fixed and unalterable resolution of the Dey, viz: that he would allow me till Saturday morning, the 25th instant, to pay the money and depart with the vessel, and all other Americans in Algiers; but, if this was not done, he should confiscate the vessel, detain in slavery all the Americans in Algiers, and declare war against the United States, as he had before determined. The Minister also added, that the Dey had been informed that the ship had brought a large quantity of coffee, for sale, and some other articles not intended for him, (meaning, I suppose, the gun barrels, &c., for the Emperor of Morocco; but whence he could have got information of the latter I know not, for I had never mentioned a syllable of it to any one in Algiers. I have since learned that it was discovered by some means or other, when the planks and spars were taken out of the vessel on Monday;) and that he was, if possible, more highly incensed at this, than on any other account; saying that he considered it an insult offered, by having merchandise embarked on board a vessel which was said to have been sent for the sole purpose of bringing the annuity.

"As I was determined that nothing should be wanting on my part to settle this unpleasant, and to me unaccountable business, I proposed to the Prime Minister that the articles now sent by the Alleghany should be received and passed to our credit, in the usual manner of settling the accounts of cargoes, when they had the power of fixing their own prices, and, that whatever balance might appear due, after such settlement, should be paid in cash, if the Dey desired it; and that he might send a note of such articles as he expected for the next annuity, which I would forward to my Government, with such observations on the propriety or necessity of sending the whole of them, as the Dey should express. By this means, if the proposition should be accepted, time would be given to make preparations for future events, or, at any rate, our commerce in this sea might have been secured by giving timely notice, and putting our vessels on their guard. But the Dey refused to listen to it, and repeated his first orders.

"On leaving the palace, I reflected upon the very critical and alarming situation of our affairs with the Regency, which was not only brought on in the most unexpected manner, but without any reasonable or justifiable cause of complaint on the part of the Dey. It appeared to me that he had determined to take a measure which I had for some time past apprehended, and which I had more than once the honor of intimating to the honorable the Secretary of State, particularly in my letter of the 29th May last, viz: That after having concluded a truce with Portugal, and seeing Sicily under the protection of the British, he must make war upon some other nation, with or without a cause, in order to employ his cruisers; and that the extended and unprotected commerce of the United States offered greater prospects of advantage from plunder and capture than he could expect from any other nation. The ultimate consequence of such conduct he would never calculate; neither would he be restrained by any sense of shame, or of the flagrant injustice of the act.

"In this state of embarrassment, and with these

reflections, I was still determined to try all possible means to accommodate the present difficulties, before the ultimate period fixed by the Dey should arrive; but if that could not be effected, I should prepare, if possible, to pay the balance demanded in money, to prevent the loss of the ship and cargo, the detention of all Americans in Algiers, and the immediate capture of others.

"In order to raise the money I proposed to sell the cargo of the ship, as the Dey would not receive it, and pay him the proceeds in cash towards the balance, but he absolutely forbid the sale of any article on board her. Thus situated, I had no other means left but to endeavor to obtain the money on my bills, and while I was using every means in my power, and through every channel that could be devised, to have matters accommodated before they came to the last extremity, I was not inattentive to the necessity I might be under of procuring the money in the last moment.

"As the discussions on our business had taken place either at the marine or in the palace, in presence of all those usually attending there, it was no secret; and I had the satisfaction of hearing a general sentiment of disapprobation expressed on account of the Dey's conduct, more strongly than I could have supposed it would have been done, when it was known in what awe and dread every one beheld the present Dey, whose severity is almost without example.

"The only quarter from which money could be obtained at any rate was the house of Bacri, and upon application to him to know if I could depend upon him in the last extremity, he raised many difficulties on account of the limited time, of the many very heavy payments which they had been obliged to make lately for the cargoes of the Greek prizes purchased by them, which had entirely absorbed their cash, &c. He also made some objection to the security of such bills on account of my being obliged to leave the Regency; to that I answered, that I should not desire any one to become my security, as the same objection would naturally occur to them, and that if I should give bills, I must candidly say that, if the vessel should not afterwards be permitted to depart with her cargo, (as I had some apprehensions, from the shameful conduct of the Dey, might be the case, in violation of his word,) the bills would not be paid, as the proceeds of the cargo, at the place to which she might go, must be depended upon towards discharging such bills. He said he would consider the subject, and give me an answer on Friday as to the practicability of getting the money, if it must be had, and the terms which would be expected for it.

"On Friday I made the last effort to effect an accommodation, and flattered myself with some little prospect of success, as the Minister of the Marine, and some others of the principal officers of the Regency, had expressed their regret at what had happened, and had promised to do everything in their power to induce the Dey to alter his determination, if the Dey should introduce the subject before them, on this day, when they all met him at the palace to go with him to the mosque, it being the Mahomedan sabbath; but they candidly acknowledged that if he did not bring the matter forward, no one would dare to introduce it, as they knew the obstinacy of his temper, and dreaded the effects of his resentment.

"I had communicated to the Minister of the Marine the proposition which I made in the palace on Wednesday, for the Dey to take this cargo on account, and to pay the balance, if any, in cash, &c., which he did not hesitate to declare he thought highly reasonable, and such as should be satisfactory; but, at the same time, remarked on the inflexible obstinacy of the Dey, when he had once taken his resolution.

"At one o'clock my dragoman brought me a message from the Dey, which he said was his last, and irrevocably fixed, viz: that I should tomorrow morning pay into the treasury twenty-seven thousand Spanish dollars, which he claimed as the balance of annuities from the United States, and then depart from the Regency with my family, and all other citizens of the United States in Algiers, in the ship which had brought the stores, in fulfilment of treaty stipulations, and which he had refused to receive; or that the ship and cargo, with all other Americans now in Algiers, should be detained, the former confiscated, the latter kept in slavery, and that war should be instantly declared against the United States.

"This message determined the business and closed every door of hope for an accommodation. It was confirmed by the Minister of Marine, who said that the subject having been introduced by the Dey in their presence, he and the other Ministers had urged everything they dared, to induce the Dey to alter his determination, and to accept my proposition, but in vain. He was inflexible, and the alternative must be taken immediately.

"I had now my ultimate choice to make between the payment of the money, if it could be obtained, and the certain loss of the vessel and cargo, worth much more than the sum claimed by the Dey, and the immediate slavery of more than twenty American citizens (including myself and family) now in Algiers, with the highest probability of many American vessels and their crews being captured before it would be possible to give notice of what had happened, to enable them to consult their safety by remaining in port, as the port of Algiers had been shut since the sailing of their cruisers on the 13th instant, and of course no opportunity had offered to communicate an account of these transactions to any of our Consuls in the Mediterranean.

"I therefore made my election to pay the money, if it could be obtained, especially as the departure of the Allegany would afford an opportunity of giving the most speedy information to every part of this sea, and guard American vessels against falling into the hands of the Algerine cruisers now out; as I can now have but little doubt of the Dey's having given orders to his cruisers, on their sailing, to detain and send in such American vessels as they may find. For it must clearly be seen that he has no reasonable or

justifiable ground for his present demand and conduct, and I am in a great measure confirmed in my apprehensions entertained and expressed in my last letters to the honorable the Secretary of State, that after the truce with Portugal and the protection of the Sicilians by the English, he would make war upon some nation to employ his cruisers; and that none offered a better prospect than the vessels of the United States.

"The present posture of affairs between the United States and Great Britain, just on the point of open hostilities, would afford another guard and security against our sending a force into this sea to protect our commerce now here, or revenge the insult and injury inflicted on us; especially, too, as under present circumstances, he must suppose, that it would be gratifying to the British, with whom, there is every reason to believe, he has a treaty offensive and defensive.

"I sent for Mr. Bacri, and informed him of my determination to pay the money and depart from Algiers, and should depend upon him for it. But that if, after paying the money, the vessel and Americans should not be allowed to depart from Algiers (which I had reason to apprehend from the Dey's outrageous and extraordinary conduct might happen notwithstanding his declaration) the bills which I might draw would not be paid at Gibraltar; for, that I must depend upon the sale of the cargo of this vessel to meet the bills as far as it would go; and that I gave him this information, that he might know the ground on which he stood. He replied that he should have full faith in the bills on that condition, and then observed that the sacrifice which must be made to obtain the money at the moment, could not be less than twenty-five per cent. After some further discussion of the subject, and knowing the impossibility of obtaining the money from any other quarter, (about which I had made inquiry for two days past,) I agreed to give him the advance, which brought the amount to $33,750; and in the evening gave him a bill, at thirty days sight, on John Gavino, Esq., Consul of the United States at Gibraltar, in favor of Moise Levy Valensen, of Gibraltar, value received of Jacob Cain Bacri, of Algiers, on account of the United States of America, to pay a balance claimed by the Day of Algiers, for annuities from the United States, the Dey having refused to receive the naval and military stores sent from the United States, agreeably to treaty stipulation, to pay such balance as might be due. I also stipulated with Mr. Bacri, that he should cause the money to be paid into the Treasury to-morrow morning, so as not to give any ground for detaining the vessel, or raising any new difficulties on that account, which he promised to do.

"I gave to John Norderling, Esq., his Swedish Majesty's Agent General at Algiers, a letter accepting his friendly offer to take care of my property left at Algiers, and also requesting his kindness to be extended to any American citizens who might arrive in Algiers after my departure, or be unhappily brought in by the cruisers of the Regency.

"The following is an extract from my letter to Mr. Norderling.

"'As my departure from Algiers is compulsive, I leave no person directly charged with the affairs of the United States of America in this Regency. But should any of our citizens arrive here, or be unhappily brought in, your kindness to them will be gratefully acknowledged, and the necessary and reasonable expenses for the support of such as are destitute will be paid by the Government of the United States.'

"Through the day of Friday, and in the evening, my acquaintance of all descriptions called upon me, and the unfeigned sorrow expressed by all of them of every denomination, sufficiently evinced the regard they had for us. And the undisguised disapprobation and disgust expressed by all classes at the Dey's conduct, must, I think, end in some disastrous event for him.

"Very early on Saturday morning the dragoman came to my house, and informed me that Jacob Bacri had paid the money to the Regency, and soon after the Minister of the Marine sent for me to go to the Marine, where he informed me it was the Dey's order that myself and all the other Americans should embark immediately, and depart from Algiers. He expressed his regret at what had happened, and declared that it was against his strong advice and wishes, and hoped that everything might yet be accommodated after the Dey's phantasy should have passed, &c. I intimated to him my suspicions and apprehensions that orders had been given to the cruisers, which sailed on the 13th instant, to capture American vessels. He assured me that if such orders had been given by the Dey to the commander of the squadron, he was ignorant of it, and that he hoped it was not the case. How far his reply is to be relied on I am not able to say.

"I requested the Minister to give me a certificate of the ship Allegany having been sent away by order of the Dey, that in case she should be met by any of the cruisers now out, they might not molest or stop her. This he declined, saying that their cruisers were all at the east of Algiers, and that if any one should molest or detain the vessel, the Dey would punish the commander most severely, &c. This did not satisfy me; but I could not prevail upon him to give the passport.

"When I parted from the Minister I was about to return to my own house to accompany my wife on board the vessel; but he said I must not return there again, but must go on board, as the vessel was getting under way, and that the dragoman would go up to conduct my family down and on board, which was accordingly done, and the vessel got out of the port about 7 o'clock, A. M.

"The persons embarked on board the Allegany, besides the captain and crew, (consisting of seven persons,) are myself, my wife, and my son, (who arrived from the United States via Gibraltar, on the 15th instant,) Mr. Jonathan S. Smith, of Philadelphia, who has been in Algiers these two years past, with some coffee for sale, which he has thought proper to abandon, and

says he shall seek for indemnification from the United States. I advised him to sell it, as it was not possible for the ship to take it on board, as she was entirely filled with the cargo which she brought out, but he did not think proper to comply with my advice; Mr. John Vallet, a naturalized citizen of the United States, whom I have mentioned in my letter of the 29th May, a copy of which I have now the honor to enclose, as well as that of the 30th of April, and a Mr. Pinto, also a naturalized citizen of the United States, certificate from South Carolina.

"On the evening of our leaving Algiers we spoke a British letter of marque, bound to Malta, and as the weather did not admit of sending a letter on board, I desired the captain to inform the American Consul at that place that I had been ordered from Algiers, and, as there was no doubt but that the Algerine cruisers would capture any American vessels they might meet, desired that he would give notice thereof to all American vessels in Malta, and extend the information in every direction possible.

"Yesterday we were boarded by His Britannic Majesty's brig Goshawk, which was going with a convoy to Alicant and Majorca, to the commander of which brig I gave letters to our Consuls in those places, a copy of which I have the honor to enclose, and requested the said commander to give the notice of my being ordered from Algiers, &c., to any American vessels he might meet at sea, and make the same known wherever he might go. I shall forward my circular to any places to which we may meet vessels going, until I reach Gibraltar, whence I shall disperse my circulars by every opportunity which may offer, to all ports of this sea, as well as to the ports in the Atlantic.

"The officers of the Goshawk who boarded us, gave information that the British Orders in Council, laying restraints on neutral commerce, had been revoked, and that the British cruisers had orders not to molest American vessels, as an evidence of which he did not even ask for a sight of the Allegany's papers.

"I took passports for the ship from the French and Spanish Consuls before I left Algiers. The English Consul did not furnish any, although I applied to him for that purpose. I did not ask them from the Swede or the Dane, as they have no vessels in this sea.

"I have now, sir, given you a faithful and detailed account of this extraordinary and unexpected transaction. While I feel conscious that no exertion was wanting on my part, and no means in my power left unattempted to make an accommodation, when the difficulties were first brought forward, and during the whole course of this unexampled proceeding; and that my ultimate decision was made on the ground of necessity, to prevent a greater evil to my country; I trust that the President and our Government will approve my conduct. The law passed on the 1st of May, 1810, restricting the Consuls in Barbary to the sum of three thousand dollars annually, to be employed in presents, &c., without the special permission of the President first obtained, prevented my making those attempts in a pecuniary way, for opening a door to accommodation, which I should otherwise have done; but, upon a review of the whole of the circumstances attending this business, I have now my doubts whether any sum which the United States might have thought proper to bestow, would have answered the purpose. I thought it my duty, however, to make some attempts in that way, upon the scale to which I was limited; but it had not the desired effect.

"The character of the present Dey, Hadge Alli Bashaw, is that of a severe, obstinate, and cruel man. He is said to be inflexible in his resolutions, and will bear no contradiction or reasoning. He has kept the soldiers in more subjection during his reign than they have been accustomed to for many reigns before, and no one dares approach him, but those whose duty calls them into his presence, or who are sent for by him. He has not granted an audience to any Consul for nearly a year past, except to a new English Consul who arrived in April last: and would not see the old Consul before his departure. The tales told of his personal conduct in the palace, bespeak him a man deprived, at times, of his reason. His conduct with respect to our affairs is almost an evidence of his insanity; and I am very much mistaken if it does not hasten his exit from this world; but while he reigns he is most absolute. And I have very little hopes of his refraining from making war upon the United States. There is every reason to apprehend, from what has taken place, as before detailed, that the cruisers had orders to capture American vessels, before their departure from Algiers, on the 13th instant. In which case some vessels will undoubtedly fall into their hands before the notice I have given, or may give, can reach the ports where they may be, and prevent their sailing. It therefore behooves the Government to prepare for such an event, and to determine in what manner they will meet it. Should our differences with Great Britain be so accommodated as to admit of sending a naval force into this sea, I am sure there is only one course which the Government will pursue, and what has now taken place may be a happy and fortunate event for the United States, by relieving them from a disgraceful tribute, and an imperious and piratical depredation on their commerce. If our small naval force can operate freely in this sea, Algiers will be humbled to the dust.

"Spain would undoubtedly be ready and willing, as far as she might be able, to co-operate with any nation against Algiers; for the enormous demands made upon the former by the latter not having been complied with, the Algerines have lately taken vessels and property from the Spaniards to the amount of more than one hundred thousand dollars, and have upwards of fifty of the subjects of that nation in slavery. They still permit, or rather compel the Consul to remain at Algiers, and have not declared war against Spain, whose ally seems to view these depredations with indifference. The French may be

nearly in a state of open hostility with them; and the Algerines know, that in the event of a peace between Great Britain and France, they must submit to the will of the latter Power. Sweden and Denmark are in arrears for four or five annuities, and nothing but a knowledge that these Powers have no commerce in this sea, on which they can depredate, prevents their making war upon them. In the mean time, the Consuls of these nations pay annually a considerable sum in money for their forbearance, while the account of annuities is accumulating. All the Sicilians have been been released, through the interference of the English, from Tunis and Tripoli; and at my departure from Algiers, Lord William Bentinck was daily at that place, to treat for the Sicilians in slavery there. The Portuguese have redeemed all their subjects in slavery at Algiers, and extended their truce with the Regency for one year.

"I shall proceed in the Allegany to Gibraltar, where I shall dispose of her cargo which has been refused by the Dey of Algiers, to meet, as far as it will go, the bill beforementioned, and for the remainder shall draw upon the honorable the Secretary of State. At the same time, I shall send to Mr. Simpson, our Consul at Tangier, the gun barrels intended for the Emperor of Morroco, as well as a copy of your letter respecting the change of passports, with a proportion of the tops, and one of the new passports. The same will be done to Tunis and Tripoli, from which places I have heard nothing since I had last the honor of writing to you. I shall also from thence dispense information of what happened at Algiers, to all ports of this sea, as beforementioned, and shall add to this letter (if an opportunity should not offer of forwarding it before my arrival) such occurrences or information as I may meet there.

"On the 13th instant, the whole naval force of Algiers sailed on a cruise to the eastward, supposed to be destined against Tunis, or to make a descent on some part of Sardinia, for the purpose of getting slaves. It consisted of the following vessels:

1	frigate of	50 guns and	500 men.
1	do.	46	460
2	do.	44 450 men each,	900
1	do. (new)	38	400
2	corvettes,	24 guns each,	500
1	do.	22	230
2	brigs,	22 guns each,	450
1	xebeck,	20	200
1	schooner,	4	40
1	row galley,		50

6 gunboats, sloop rigged, carrying one 24 pounder and one 11 inch mortar each.

"The heaviest cannon in their frigates are eighteen pounders, but these do not extend through the whole battery, having some twelve pounders among them; the other guns are nine and six pounders. The corvettes and brigs carry twelve, nine, and six pounders; none of them have carronades.

"The large frigate is about six years old, and the best of the squadron. She is about the size of our 36 gun frigates. Three of the others are very old ships, hardly seaworthy, about the size of our 32 gun frigates. That of 38 guns is a new ship, launched at Algiers about two months since and is about 500 tons burden. The two corvettes of 24 guns are Greek prizes, converted into cruisers, about 400 tons burden each. The corvette of the 22 guns is an old vessel of about 350 tons. The two brigs are about 250, and the xebeck 200 tons. Four of the frigates, one corvette, and the two brigs, are coppered.

"The Algerines have not another vessel of war, beside those mentioned, excepting three gunboats, of the size of those sent out, which are unfit for service. All their small open gunboats, for the defence of the bay, are either broken up or entirely unfit for service.

"The squadron beforementioned is commanded by their famous captain Rais Hammida, who bears the title of Admiral. He is a bold, active, enterprising commander, but entirely unacquainted with any regular mode of fighting; he has not the advantage of being a Turk, or even an Algerine by birth, and his advancement, which has been owing entirely to his activity, enterprise, and singular good fortune, has excited the jealousy and hatred of the other commanders, who are far inferior to him in point of talents; but he is much beloved by the sailors (if such they may be called who go out in their cruisers.) He is an Arab of the mountains, of one of the tribe of Carbiles; he came to Algiers when a boy, to seek a livelihood, as is the custom of those people, and going out in one of the cruisers, became attached to that mode of life, and has risen to his present rank. He is about 40 years old.

"The crews of their cruisers consist principally of the lowest and most miserable order of people in Algiers, known by the name of Biscaries, and Carbiles, from the tribes to which they belong. They are either taken from the streets at the moment when a cruiser is about to sail, or, if a previous cruise has been fortunate, they go on board voluntarily in great numbers, hoping to obtain plunder or prize money. As the last cruise of their corsairs was esteemed fortunate by the capture of a number of Greek vessels loaded with wheat, and each man shared about fifty dollars, the vessels have been crowded with volunteers on the present cruise. Besides these, there are a few who may be called good seamen for Algerines; and about ten or twelve Turkish soldiers to every one hundred men on board the vessel.

"They know nothing of regular combat at sea, and, if kept from boarding distance, they could not withstand one-half their own force on board another vessel, which should be tolerably well managed in the usual mode of sea-fighting. It is on boarding, that they depend entirely to overcome an equal or any force that will contend with them. These attempts they sometimes make with a desperation bordering on madness; but, if foiled in that, they have no other resource.

"After this account of the Algerine cruisers and their crews, which is faithful and correct, I am sure that our brave officers and seamen would

rejoice to meet them with one-half their force, if circumstances should make a recurrence to arms necessary on our part, and our ships could come freely into this sea.

Enclosed is the account of the settlement of the cargo of the brig Paul Hamilton, made at the Palace on the 22d instant; and, although the prices allowed for the cordage and cables are at a great loss to the United States, yet, those given for the plank and turpentine, &c., make the settlement, upon the whole, as good as usual. And, had the cargo of the ship Allegany been received at the same rate, it would have paid the balance up to September next, which completes the seventeenth year of our treaty, according to our computation of time. The account of annuities between the United States and Algiers, as per treaty, stands simply thus:

The U. States to the Dey and Regency of Algiers, Dr.	
To 17 annuities, ending September 5, 1812, at $21,600 per year	$367,200
Supra. Cr.	
By 14½ annuities paid, as per receipts, at $31,600 per year	$313,200
By a tiscary given at the last settlement for a balance in favor of the United States, 14,480 old sequins	26,064
By the amount of stores brought by the brig Paul Hamilton, as per settlement, July 22, 1812	12,099
Total	$351,363
Balance due to the Regency of Algiers on the 5th September, 1812	15,837
Aggregate	$367,200

"The Regency of Algiers, counting the time by the Mahometan computation of 354 days to the year, make 17½ years, which is an addition of half a year, or $10,800 to the above balance; which makes their balance $26,637 to the 5th September, 1812, for which the Dey demands $27,000, in round numbers."

GREAT BRITAIN.

[Communicated to Congress, December 22, 1812.]

To the Senate and House of Representatives of the United States:

I transmit to the House of Representatives a report of the Secretary of State, complying with the resolution of the 9th instant.

JAMES MADISON.

December 21, 1812.

Department of State, *Dec.* 19, 1812.

The Secretary of State, to whom was referred the resolution of the House of Representatives of the 9th instant, requesting information touching the conduct of British officers towards persons taken in American armed ships, has the honor to lay before the President the accompanying papers, marked A, B, C, from which it appears that certain persons, some of whom are said to be native, and others naturalized citizens of the United States, being parts of the crews of the United States' armed vessels the Nautilus and the Wasp, and the private armed vessel the Sarah Ann, have been seized, under the pretext of their being British subjects, by British officers, for the avowed purpose, as is understood, of having them brought to trial for their lives; and that others, being part of the crew of the Nautilus, have been taken into the British service.

The Secretary of State begs leave, also, to lay before the President the papers marked D and E. From these it will be seen that whilst the British naval officers arrest as criminals such persons taken on board American armed vessels as they may consider British subjects, they claim a right to retain on board British ships of war American citizens who may have married in England, or been impressed from on board British merchant vessels; and that they consider an impressed American, when he is discharged from one of their ships, as a prisoner of war.

All which is respectfully submitted.

JAMES MONROE.

A, No. 1.

Extract of a letter from Lieutenant F. H. Babbitt to Master Commandant William H. Crane, of the United States' Navy, (late of the United States' brig Nautilus,) dated

Boston, Mass., *Sept.* 13, 1813.

Enclosed I send you a description of the proportion of our little crew who have been so debased and traitorous as to enter the service of our enemy: also, a list of those gallant fellows, whose glory it would have been to have lost their lives in the service of their country, and whose misfortune it has been to cross the Atlantic on suspicion of their being British subjects; four of them native born Americans, and two naturalized citizens. On their parting with me, and removal from the Africa of sixty-four guns to the Thetis frigate, (the latter with a convoy from England, then in 43° 30′ north, and 46° 30′ west,) their last request and desire was that I would particularly acquaint you with their situation, with their determination never to prove traitors to that country whose flag they were proud to serve under, and whose welfare and prosperity they equally hoped and anticipated to realize.

F. H. BABBITT.

A list of men said to have entered on board His Britannic Majesty's frigate Shannon, Commodore Broke, with their description, as far as known.

Jesse Bates, seaman, and about five feet nine inches high, dark hair and complexion, dark snapping eyes, has an impediment in his speech, and at times affects lunacy; has a wife and family in Boston, Massachusetts.

Samuel Lang, marine, born in Kentucky, five

feet eight inches high, or thereabouts, and is supposed to be with Captain Hall, of the United States' marines, New York.

JOHN YOUNG, marine, five feet five inches high, large mouth, enlisted with Captain Hall, navy yard, New York; when addressed, or is addressing an officer, casts down his eyes. For his particular description, as well as that of JOHN ROSE, marine, about five feet eight inches high, brown hair, full face, thick set, and a scowl in his countenance, refer to Captain John Hall.

JOHN O'NEAL, seaman, about twenty-five years of age, five feet five inches high, dark hair, sharp face, dark eyes, thick set, and was shipped at Norfolk, Virginia, previous to your taking command of the Nautilus.

WILLIAM JONES, ordinary seaman, about five feet eight inches high, light hair, twenty-four years of age, full face, thick set, downcast look, and a very alert man; entered at New York, April last.

F. H. BABBITT.

A, No. 2.

Sir John Borlase Warren to Mr. Monroe,

HALIFAX, 30*th Sept.*, 1812.

SIR: Having received information that a most unauthorized act has been committed by Commodore Rodgers, in forcibly seizing twelve British seamen, prisoners of war, late belonging to the Guerriere, and taking them out of the English cartel brig Endeavor, on her passage down the harbor of Boston, after they had been regularly embarked on board of her for an exchange, agreeably to the arrangements settled between the two countries, and that the said British seamen, so seized, are now detained on board the United States' frigate President as hostages; I feel myself called upon to request, sir, your most serious attention to a measure so fraught with mischief and inconvenience, destructive of the good faith of a flag of truce and the sacred protection of a cartel. I should be extremely sorry that the imprudent act of any officer should involve consequences so particularly severe as the present instance must naturally produce, if repeated; and although it is very much my wish, during the continuance of the difference existing between the two countries, to adopt every measure that might render the effect of war less rigorous, yet, in another point of view, the conviction of the duty I owe my country would, in the event of such grievances as I have already stated being continued, not admit of any hesitation in retaliatory decisions; but as I am strongly persuaded of the high liberality of your sentiments, and that the act complained of has originated entirely with the officer who committed it, and that it will be as censurable in your consideration as it deserves, I rely upon your taking such steps as will prevent a recurrence of conduct so extremely reprehensible in every shape. I have the honor to be, &c.

JOHN BORLASE WARREN,
Admiral of the Blue, &c.

His Exc'y JAMES MONROE, Esq.

Mr. Monroe to Sir John Borlase Warren.

DEPARTMENT OF STATE,
October 28, 1812.

SIR: I have had the honor to receive your letter of the 30th September, complaining that Commodore Rodgers, commanding a squadron of the United States' Navy at the port of Boston, had taken twelve British seamen, lately belonging to His Britannic Majesty's ship the Guerriere, from a cartel in the harbor of Boston, and that he detained them on board the President, a frigate of the United States, as hostages.

I am instructed to inform you that inquiry shall be made into the circumstances attending, and the causes which produced the act of which you complain, and that such measures will be taken, on a knowledge of them, as may comport with the rights of both nations, and may be proper in the case to which they relate.

I beg you, sir, to be assured that it is the sincere desire of the President to see (and to promote, so far as depends on the United States,) that the war which exists between our countries be conducted with the most utmost regard to humanity. I have the honor, &c.

JAMES MONROE.

SIR JOHN BORLASE WARREN,
Admiral of the Blue, &c.

B.

WASHINGTON, *December* 17, 1812.

SIR: I have the honor to annex a list of twelve of the crew of the United States' sloop of war Wasp, detained by Captain John Beresford, of the British ship Poictiers, under the pretence of their being British subjects.

I have the honor to be, &c.

GEORGE S. WISE, *Purser.*

Hon. PAUL HAMILTON, *Secr'y Navy.*

[List referred to in the preceding note, marked B.]

WASHINGTON CITY, *Dec.* 17, 1812.

JOHN MCCLOUD, boatswain, has been in the service since 1804. Married in Norfolk in 1804 or 1805, and has a wife and four children there.

JOHN STEPHENS, boatswain's mate, has been in the service for six years.

GEORGE M. D. READ, quartermaster, has a protection, and has sailed out of New York and Philadelphia for several years.

William Mitchell, James Gothright, John Wright, Thomas Phillips, Peter Barron, seamen; John Connor, John Rose, George Brooks, ordinary seamen; and Dennis Dougherty, marine. The greater number, if not all, had protections at the time of entering and being taken. Two others were detained, John Wade and Thomas Hutchins, but were given up; the former on Captain Jones's assuring Captain Beresford he knew him to be a native citizen; the latter on a like assurance from D. Rogers. William Mitchell was in the service during 1805 and 1806, in the Mediterranean.

GEORGE S. WISE, *Purser.*

C.

Extract of a letter from Major General Pinckney to the Secretary of War, dated

HEADQUARTERS, CHARLESTON,
November 4, 1812.

Information having been given upon oath to Lieutenant Grandison, who at present commands in the Naval Department here, that six American seamen, who had been taken prisoners on board of our privateers, had been sent to Jamaica to be tried as British subjects, for treason, he called upon the marshal to retain double that number of British seamen as hostages. The marshal, in consequence of instructions from the Department of State, asked my advice on the subject, and I have given my opinion that they ought to be detained until the pleasure of the President shall be known. The testimony of Captain Moon is herewith. I hope, sir, you will have the goodness to have this business put in the proper train to have the President's pleasure on this subject communicated to the marshal.

Copy of a letter from Captain Moon, of the privateer Sarah Ann.

NASSAU, NEW PROVIDENCE,
October 14, 1812.

Six of my crew, claimed as British subjects, were this day taken out of jail and put on board His Majesty's brig the Sappho, and sailed for Jamaica, where, it is said, they are to be tried for their lives; consequently, I questioned each, respectively, as to the place of their nativity, and title to protection by the American Government, when they stated as follows, to wit:

David Dick, seaman, that he was born in the north of Ireland, but has resided in the United States ever since the year 1793; has served ten years in the United States' Navy, viz: on board the frigates Chesapeake, President, Constitution, John Adams, schooner Enterprise, and gunboat No. 2. David Dick, shoemaker, in Alexandria, is his uncle. Dick is about five feet six and a half inches high, dark hair, has a scar on his left elbow and one on each wrist; he entered on board the Sarah Ann in Baltimore.

John Gaul, seamen, says he was born in Marblehead, State of Massachusetts, where his parents, brothers, and sisters now reside; is married in New York, and his wife (Mary Gaul) lives in Roosevelt street, No. 37; has a regular discharge from the Navy of the United States, by Captain Hugh G. Campbell, dated at St. Mary's, Georgia, 14th August, 1812; says he has served on board the United States' brig Vixen, and gunboats No. 10 and No. 158, from the last of which he was discharged. Gaul is twenty-seven years of age, about five feet seven inches high, brown hair, light complexion; he entered on board the Sarah Ann in Baltimore.

Michael Pluck, ordinary seamen, says he was born in Baltimore; his parents are dead, but he is known by William, Doulan, Thomas Turner, and McDonald, of Baltimore; has a sister in some part of Pennsylvania, whose name is Ann Welsh; was never at sea before; never had a protection. Pluck is twenty-seven years old, five feet six and a half inches high, and has a scar on his left cheek bone; entered on board the Sarah Ann at Baltimore.

Thomas Rodgers, seamen, says he was born in Waterford, Ireland, but has resided many years in the United States, and has been duly naturalized; a copy of which naturalization is filed in the custom-house at Baltimore; is known by Joseph Carey, and Tom Rodgers, cork-cutter, both of Baltimore; has a wife and three children in Baltimore; has lost his protection, but requests Joseph Carey to do all he can to effect his discharge from the British. Rodgers entered on board the Sarah Ann in Baltimore.

George Roberts, a colored man and seaman. This man I had not an opportunity of questioning, but I know him to be a native born citizen of the United States, of which fact he had every sufficient document, together with free papers. Roberts entered on board the Sarah Ann in Baltimore, where he is married.

Sonty Taylor, boy, says he was born in Hackensack, New Jersey, but has neither friends, relations, nor acquaintance there; says Jane Snowden, of Savannah, Georgia, is his mother; never had a protection. Taylor is fifteen years old, has brown hair and light complexion; he entered on board the Sarah Ann in Savannah.

RICHARD MOON,
Late commander of the Sarah Ann.

D.

Copy of a letter from Admiral Warren to Mr. Mitchill, agent for the exchange of American prisoners of war, dated

HALIFAX, *Oct.* 21, 1812.

SIR: I have the honor to receive your letter and its enclosures, relating to Thomas Dunn,* and beg leave to inform you that it appears the said man is married in England, has been eight years in His Majesty's service, and received a pension from Government; under these circumstances, and the man never having made any application for his discharge from prison, he continues on board the Statira.

I have the honor to be, sir, your most obedient, humble servant,

JOHN BORLASE WARREN.

E.

Extract of a letter from William H. Savage, late agent for American seamen and commerce at Jamaica, to the Secretary of State, dated

WASHINGTON, *Dec.* 1, 1812.

I take the liberty to enclose you copies of a correspondence which took place between Vice Admiral Stirling (commanding the Jamaica station) and myself, since the declaration of war. I

*The application was made at the request of his father, John Dunn, of Boston, who transmitted a deposition of his birth.

should have furnished it you at an earlier period, but an accident prevented, which I was not aware of until my arrival at this city.

No. 1.

Copy of my letter to Vice Admiral Stirling, commanding on the Jamaica station, on the subject of American seamen, after the declaration of war.

KINGSTON, JAMAICA, *Aug.* 6, 1812.

SIR: Enclosed is a copy of a letter received by me yesterday from on board His Majesty's ship Sappho, purporting to have been written by four American seamen on board that ship, with a view to solicit my aid towards effecting their discharge, in consequence of the declaration of war by the Government of the United States against Great Britain.

In making this application, I am fully aware that my duties ceased as agent for the commerce and seamen of the United States on the knowledge of such declaration being made known here; but, sir, I am led to believe that, at this period, it will not be deemed inadmissible on your part to receive, nor improper on mine to make, the request that you will be pleased to grant an order for the discharge of these seamen, feeling conscious (should they even not be protected with the usual documents afforded to citizens of the United States) that an English seaman would not declare himself otherwise than such under existing circumstances.

I seize the present opportunity, also, to forward to you twenty-one documents, as proofs of the citizenship of that number of seamen, said to have been impressed by ships of war on this station, the greatest number of which have been heretofore unsuccessfully claimed by me on behalf of the United States, and which may still comprise, at this time, some part of the crews of His Majesty's ships on this station.

I beg further to state to you, that I have received numerous applications from on board various of His Majesty's ships on this station, for the relief of seamen, who, I doubt not, are entitled to the protection of the American Government, many of them having with them the proofs of their citizenship, as I am led to believe from the assertions contained in their communications. Applications have also been made for the relief of many, without success; the latter amount in number to forty-six, as per list of names enclosed, several of whom, I understand, have been shifted (since their impressment) on board of other vessels than those they were at first taken on board of. All of which I beg to offer for your consideration, feeling, as I do, anxious to extend my last efforts in behalf of those seamen who are entitled to them, and at the same time being impressed with the idea that it would be foreign to you, sir, to retain any Americans in the service of the navy of Great Britain, contrary to their disposition, during the present conflict. I therefore take the liberty of adding to my former request, that you will be pleased to grant orders that such seamen may be discharged from duty on board His Majesty's ships on this station.

With sentiments of the highest respect, &c.

WILLIAM H. SAVAGE.

No. 2.

Copy of Vice Admiral Stirling's Secretary's letter in answer to mine to the Vice Admiral, of 6th August 1812.

ADMIRAL'S PENN, *Aug.* 7, 1812.

SIR: I am desired by Vice Admiral Stirling to acknowledge the receipt of your letter of yesterday's date, and to acquaint you that directions were given some days ago that all seamen in the squadron under his command, who can prove themselves to be American born subjects, should be sent to the prison-ship until an exchange of prisoners is established between the two countries, in consequence of the late declaration of war by the United States against Great Britain.

I return, herewith, the papers which accompanied your letter, and am, sir, &c.

C. STIRLING, JR., *Secretary.*

No. 3.

Extract of a letter from William H. Savage, Esq., late agent for American seamen and commerce at Jamaica, to Charles Stirling, Jr., Esq., dated

KINGSTON, *Sept.* 16, 1812.

In answer to my letter of the 6th ultimo, you were pleased to inform me that directions had been given by the Vice Admiral, some days prior to the date of my letter, for the removal of all native Americans (who could prove themselves such) from on board His Majesty's ships to that of the prison-ship; but as some time has now elapsed since you were pleased to give me this information, and learning that some instances of detention at present exist on board His Majesty's schooner Decouverte, I am led to embrace the subject again, as, in one instance, I shall hope to satisfy Vice Admiral Stirling of the man's being entitled to his removal from duty on board His Majesty's schooner of war. The person alluded to is Elijah Stirling, an American seaman, who was impressed from on board the British merchant ship Brilliant, at the bay of Honduras, in the early part of the year 1810, by His Majesty's schooner Flor del Mar, and has since been detained on board of various of His Majesty's ships on this station, although provided with a regular protection, which instrument this man got conveyed to me about the 20th of September following, and which was by me forwarded to Admiral Rowley, accompanied (as usual in like cases) with a request that the man might be discharged. On the receipt of my letter, the Admiral answered, through his secretary, that the nature of Stirling's impressment was such that he could not comply with my request; but which answer was unaccompanied, in return, with the protection in question, and what has become of it I am unable to say.

About this period I was led to understand from

Admiral Rowley, that all American seamen who should be impressed from on board any British merchant vessel would be retained in the service of His Majesty; but that all American seamen who should be impressed from on board of American vessels would, on application, accompanied by proof, be discharged. As this information was received about the period of my application for the discharge of Stirling, I was led to conclude it stamped the nature of his impressment; and what confirmed it in my mind was, that I received similar assurances to various applications made for American seamen, who had, under various circumstances, shipped on board of British ships, and were from thence impressed on board of His Majesty's ships of war, all of which, I hope, the Admiral will be pleased to take into consideration; for, to insist on the service of this man, I think, will be a dereliction to the marked manner of his amiable endeavors to distinguish and relieve American seamen from duty on board the squadron under his command. I beg to enclose a note from Mr. Meek, the late secretary, relative to my application for this man's discharge, and to observe that, if it is possible, the protection may yet be found among the papers of the late secretary, as it has not been usual to return me the protections of those men whose applications for discharge were not complied with.

I beg furthermore to observe, that there appears also to be on board His Majesty's schooner Decouverte two other American seamen, viz: John Englefield and Richard Lauderkin, the former of whom asserts that he served his apprenticeship to the trade of a cooper at Boston, but has lost his protection; the latter declares himself to be a native of Rhode Island, and that his protection has been destroyed by Mr. Oliver, commander of His Majesty's schooner Decouverte. I shall not now animadvert on the impropriety of such a circumstance, but request, should the instance here cited be found correct, that they may meet the attention of the Vice Admiral.

No. 4.

Extract of a letter from Vice Admiral Stirling's Secretary to W. H. Savage, Esq., in answer to his of the 16th September, 1812.

ADMIRAL'S PENN, *Sept.* 19, 1812.

I have just received your letter of the 16th instant, which I have laid before Vice Admiral Stirling, and I am directed to acquaint you that Elijah Stirling and other persons on board of His Majesty's schooner Decouverte, said to be American seamen, have not, when called upon, produced proof of being subjects of the United States. They do not fall under the description of persons which I informed you in my letter of the 7th ultimo were intended to be discharged from the King's service, and to be detained on board the prison-ship until an exchange of prisoners takes place with America.

The note from Mr. Meek, dated the 21st September, 1810, is returned herewith; and as it appears thereby that Admiral Rowley thought the circumstances under which Elijah Stirling was impressed did not permit him to be discharged Vice Admiral Stirling does not feel himself justified in attending to the man's wishes on a bare assertion. The protection you allude to is not to be found among Admiral Rowley's papers left in this office.

[The following documents, relating to the same subject, were communicated to Congress by the Message of January 22, 1813.]

Extract of a letter from John Mitchell, Esq., agent for American prisoners of war at Halifax, to the Secretary of State, dated

DECEMBER 5, 1812.

I cover you a copy of a correspondence which took place in consequence of different applications I received, either by letter or personal, from persons detained on board His Britannic Majesty's ships of war in this place.

I formerly mentioned to you that the Admiral had assured me, that he would discharge all the citizens of the United States who were in the fleet, and actually did discharge several. This induced me to think I should be correct, and in the perfect line of my duty, in sending him a list of the applicants to me, and requesting an inquiry to be made, and discharges granted to all who were citizens of the United States. I, therefore, covered him a list of the names now enclosed to you, which produced his letter to me of the same date, (1st December, 1812.)

I read it with surprise, because some of the men had informed me their captains had refused to report them to the Admiral. Now, if no one here was or is allowed to do it, their situation is hopeless.

It is not my place, sir, to reason with you on this business. *Proof of nativity*, in his first letter, is a strong expression; and how few are in possession of it, and how many who cannot obtain it!

The second paragraph in the second letter prevents my interfering; and I have since been obliged to send a man away, requesting him to apply to his commanding officer.

Copy of a letter from John Mitchell, Esq., agent for American prisoners of war at Halifax, to Admiral Sir John Borlase Warren, dated

DECEMBER 1, 1812.

SIR: Since the sailing of the last cartels, in which you were pleased to send home several Americans who had been in His Britannic Majesty's service, others, who are now on board of the Centurion and Statira, have requested of me to procure their discharge, and to be sent home.

Will you, sir, have the goodness to direct an inquiry, and order the release of such as are citizens of the United States?

Besides the enclosed list, I am told there are others, whose names I have not.

I have the honor to be, &c.

JOHN MITCHELL, *Agent, &c.*

Copy of a letter from Admiral Sir John Borlase Warren, to John Mitchell, Esq., agent for American prisoners of war at Halifax, dated

DECEMBER 1, 1812.

SIR: I have the honor to acknowledge the receipt of your letter of this date, respecting some men therein mentioned on board His Majesty's ships under my command, said to be citizens of the United States; and, in reply, beg to acquaint you, that whenever I have received representations from the captains of His Majesty's ships of any part of their crews being citizens of America, with sufficient proof of their nativity, I have directed their discharge from the service.

I must observe to you, that I cannot permit the interference of any applications from men belonging to His Majesty's ships, but through their commanding officers; and, in your department, of prisoners of war only, I shall at all times be most happy to receive your communications.

I have the honor to be, &c.

JOHN BORLASE WARREN.

Copy of a letter from John Mitchell, Esq., agent for American prisoners of war at Halifax, to Admiral Sir John Borlase Warren, dated

DECEMBER 3, 1812.

SIR: I had yesterday the honor to receive your letter dated the 1st instant, and observe that you cannot permit the interference of any application from men on board His Britannic Majesty's ships of war, but through their commanding officers.

Desirous of conforming, as far as possible, to established regulations, permit me the honor to inquire of your Excellency, if, by your letter, I am to understand that I am not to receive the applications of seamen declaring themselves citizens of the United States, who are on board of His Majesty's ships of war, and communicate the same to you? If this is the meaning, I shall most certainly conform, though I must lament the regulation. I have the honor to be, &c.

Copy of a letter from Admiral Sir John Borlase Warren to John Mitchell, Esquire, agent for American prisoners of war at Halifax, dated

DECEMBER 4, 1812.

SIR: In reply to your letter dated yesterday, I have to acquaint you, that whenever any address is made relative to men on board His Majesty's ships, it must be by the commanders of such vessels direct.

I cannot permit any application by other persons, in time of war, but in the above mode.

It will always afford me pleasure to attend to your wishes in any respect relative to the situation or exchange of prisoners, or to afford any aid or relief in my power. I have, &c.

From Commodore Rodgers to the Secretary of the Navy.

U. S. FRIGATE PRESIDENT,
Boston, Jan. 14, 1813.

SIR: Herewith you will receive two muster-books of His Britannic Majesty's vessels Moselle and Sappho, found on board the British packet Swallow.

As the British have always denied that they detained on board their ships of war American citizens, knowing them to be such, I send you the enclosed, as a public document of their own, to prove how ill such an assertion accords with their practice.

It will appear by these two muster-books that, so late as August last, about an eighth part of the Moselle and Sappho's crews were Americans; consequently, if there is only a quarter part of that proportion on board their other vessels, that they have an infinitely greater number of Americans in their service than any American has yet had an idea of.

Any further comment of mine on this subject I consider unnecessary, as the enclosed documents speak but too plainly for themselves.

I have the honor to be, &c.

JOHN RODGERS.

Hon. PAUL HAMILTON,
Secretary of the Navy.

FRANCE.

Communicated to the Senate, January 26, 1813.]

To the Senate of the United States:

I transmit to the Senate a report of the Secretary of State, complying with their resolution of the 18th instant.

JAMES MADISON.

JANUARY 26, 1813.

DEPARTMENT OF STATE,
January 25, 1813.

The Secretary of State, to whom was referred the resolution of the Senate of the 18th instant, has the honor to submit to the President the enclosed papers, marked A and B.

All which is respectfully submitted.

JAMES MONROE.

A.

Extract—Mr. Barlow to the Secretary of State.

PARIS, *May* 2, 1812.

I have the honor to transmit herewith the copy of my note of yesterday to the Duke of Bassano. The importance of the objects, and the urgency of the occasion, I hope will justify the solicitude with which I have pressed the propositions.

The result, as far as it may be known within a few days, shall be transmitted by the Wasp. The Hornet sailed from Cherbourg the 26th of April, with orders to land a messenger in England with my despatches for Mr. Russell, but not to wait a return from London.

[Enclosed in the preceding.]

Extract—Mr. Barlow to the Duke of Bassano.

MAY 1, 1812.

In the note I had the honor to address to your Excellency on the 10th November last, the spirit

of the English Government was so far noticed as to anticipate the fact, now proved by experience, that its Orders in Council, violating the rights of neutrals would not be revoked. The declaration of the Prince Regent, on the 21st of April, has placed that fact beyond all question. In doing this he has repeated the assertion, so often advanced by his ministers and judges, that the decrees of France of a similar character are likewise unrevoked.

You will notice that he finds a new argument for this conclusion in your Excellency's late report to the Emperor concerning neutral rights, in which you avoid taking notice of any repeal or modification of these decrees, or of their non-application to the United States. We know, indeed, that they do not apply to the United States, because we do not suffer our flag to be denationalized in the manner evidently contemplated by the Emperor in the rule he meant to establish. But it would have been well if your Excellency had noticed their non-application to the United States, since His Majesty has uniformly done it in his decisions of prize causes since November, 1810.

It is much to be desired that the French Government would now make and publish an authentic act declaring the Berlin and Milan decrees, as relative to the United States, to have ceased in November, 1810; declaring that they have not been applied in any instance since that time, and that they shall not be applied in future.

The case is so simple, the demand so just, and the necessity so urgent, that I cannot withhold my confidence in the prompt and complete success of my proposition.

The declaration I solicit, though important in itself, should not be sent to the United States alone. It ought to be accompanied with two other acts of equal or superior moment. These are, a convention of indemnity for past spoliations on American property, in violation of our mutual rights, and a treaty of commerce, founded on the liberal principle of reciprocal benefit and concession, which I have understood from your Excellency that His Majesty is ready to prescribe.

Extract—Mr. Barlow to the Secretary of State.

PARIS, *May* 12, 1812.

After the date of my last, of which I have the honor to enclose you a copy, I found, from a pretty sharp conversation with the Duke of Bassano, that there was a singular reluctance to answering my note of the 1st of May. Some traces of that reluctance you will perceive in the answer that finally came, of which a copy is here enclosed. This, though dated the 10th, did not come to me till last evening. I consider the communication to me so important, in the present crisis of our affairs with England, that I despatch the Wasp immediately to carry it to Mr. Russell, with orders to return with his answer as soon as possible.

I am confident that the President will approve the motive of my solicitude in this affair, and the earnest manner in which I pressed the Minister with it, as soon as my knowledge of the declaration of the Prince Regent enabled me to use the argument that belonged to the subject. When, in the conversation above alluded to, the Duke first produced to me the decree of 28th April, 1811, I made no comment on the strange manner in which it had been so long concealed from me, and probably from you. I only asked him if that decree had been published. He said no; but declared it had been communicated to my predecessor here, and likewise sent to Mr. Serrurier, with orders to communicate it to you. I assured him that it was not among the archives of this Legation; that I never before had heard of it; and since he had consented to answer my note, I desired him to send me, in that official manner, a copy of that decree, and of any other documents that might prove to the incredulous of my country (not to me) that the decrees of Berlin and Milan were in good faith, and unconditionally repealed with regard to the United States. He then promised me he would do it; and he has performed his promise.

I send you a copy of the April decree, as likewise of the letter of the Grand Judge, and that of the Minister of Finance, though the two latter pieces have been before communicated to our Government, and published.

[Enclosed in Mr. Barlow's despatch of May 12, 1812.]

The Duke of Bassano to Mr. Barlow.

PARIS, *May* 10, 1812.

SIR: In conversing with you about the note which you did me the honor to address to me on the 1st May, I could not conceal from you my surprise at the doubt which you had expressed in that note respecting the revocation of the decrees of Berlin and Milan. That revocation was proven by many official acts, by all my correspondence with your predecessors and with you, by the decisions in favor of American vessels. You have done me the honor to ask a copy of the letters which the Grand Judge and the Minister of Finance wrote on the 25th of December, 1810, to secure the first effects of that measure; and you have said, sir, that the decree of the 28th April, 1811, which proves definitively the revocation of the decrees of Berlin and Milan in regard to the Americans was not known to you.

I have the honor to send you, as you have desired, a copy of these three acts: you will consider them without doubt, sir, as the plainest answer which I could give to this part of your note. As to the two other questions to which that note relates, I will take care to lay them before the Emperor. You know already, sir, the sentiments which His Majesty has expressed in favor of American commerce, and the good dispositions which have induced him to appoint a Plenipotentiary to treat with you on that important interest.

Accept, sir, the assurances of my high consideration.

THE DUKE OF BASSANO.

[Enclosed in Mr. Barlow's despatch of May 12, 1812.]

PALACE OF ST. CLOUD,
April 28, 1811.

NAPOLEON, Emperor of the French, &c. &c.

On the report of our Minister of Foreign Relations:

Seeing, by a law passed on the 2d of March, 1811, the Congress of the United States has ordered the execution of the provisions of the act of non-intercourse which prohibits the vessels and merchandise of Great Britain, her colonies, and dependencies, from entering into the ports of the United States:

Considering that the said law in an act of resistance to the arbitrary pretensions consecrated by the British Orders in Council, and a formal refusal to adhere to a system invading the independence of neutral Powers, and of their flag, we have decreed, and do decree, as follows:

The decrees of Berlin and Milan are definitively, and to date from the 1st day of November last, considered as not having existed [*non avenus*] in regard to American vessels.

By the Emperor: NAPOLEON.
The Minister Secretary of State:
THE COUNT DARU.

B.

Mr. Barlow to the Secretary of State.

PARIS, *October* 25, 1812.

SIR: By the letter from the Duke of Bassano, and my answer, copies of which are herewith enclosed, you will learn that I am invited to go to Wilna, and that I have accepted the invitation. Though the proposal was totally unexpected, and, on many accounts, disagreeable, it was impossible to refuse it without giving offence, or at least risking a postponement of a negotiation which I have reason to believe is now in a fair way to a speedy and advantageous close.

From the circumstances which have preceded and which accompany this proposition, I am induced to believe that it is made with a view of expediting the business. There may, indeed, be an intention of coupling it with other views not yet brought forward. If so, and they should extend to objects beyond the simplicity of our commercial interests and the indemnities which we claim, I shall not be at a loss how to answer them.

I shall have the honor to write you as soon as possible from Wilna, and shall return to Paris without any unnecessary delay.

I remain, &c. JOEL BARLOW.
Hon. JAS. MONROE, *Secretary of State.*

[Enclosed in Mr. Barlow's despatch of October 25.]

The Duke of Bassano to Mr. Barlow.

WILNA, *October* 11, 1812.

SIR: I have had the honor to make known to you how much I regretted, in the negotiation commenced between the United States and France, the delays which inevitably attended a correspondence carried on at so great a distance. Your Government has desired to see the epoch of this arrangement draw near. His Majesty is animated by the same dispositions, and willing to assure to the negotiation a result the most prompt; he has thought that it would be expedient to suppress the intermediaries, and to transfer the conference to Wilna. His Majesty has, in consequence, authorized me, sir, to treat directly with you; and, if you will come to this town, I dare hope that, with the desire which animates us both to conciliate such important interests, we will immediately be enabled to remove all the difficulties which, until now, have appeared to impede the progress of the negotiation.

I have apprized the Duke of Dalberg that his mission was thus terminated; and I have laid before His Majesty the actual state of the negotiation, to the end that, when you arrive at Wilna, the different questions being already illustrated [*éclaircis*] either by your judicious observations, or by the instructions I shall have received, we may, sir, conclude, without delay, an arrangement so desirable, and so conformable to the mutually amicable views of our two Governments. Accept, sir, &c.

THE DUKE OF BASSANO.

[Enclosed in Mr. Barlow's despatch of October 25.]

Extract—Mr. Barlow to the Duke of Bassano.

PARIS, *October* 25, 1812.

In consequence of the letter you did me the honor to write me on the 11th of this month, I accept your invitation, and leave Paris to-morrow for Wilna, where I hope to arrive in fifteen or eighteen days from this date.

The negotiation on which you have done me the honor to invite me at Wilna is so completely prepared in all its parts between the Duke of Dalberg and myself, and, as I understand, sent on to you for your approbation about the 18th of the present month, that I am persuaded, if it could have arrived before the date of your letter, the necessity of this meeting would not have existed, as I am confident that His Majesty would have found the project reasonable and acceptable in all its parts, and would have ordered that Minister to conclude and sign both the Treaty of Commerce and Convention of Indemnities.

REMISSION OF FORFEITURES.

[Communicated to the House, November 25, 1812.]

Mr. CHEVES, from the Committee of Ways and Means, to whom was referred so much of the President's Message of the 4th instant, as relates to the late importations of British manufactures; also, the petitions of sundry merchants of New York; of John Tompkins, and Adam Murray, merchants, of Richmond, Virginia; of William W. Woolsey, and others, merchants, of New Haven, Connecticut; of sundry merchants of the city of Philadelphia; of sundry merchants of Boston; of sundry merchants, and others, of the

city of Albany, in the State of New York; of sundry merchants of the city of Richmond, Virginia; of sundry other merchants of Philadelphia; of sundry merchants of Savannah, in the State of Georgia; of sundry merchants of Norfolk, Virginia; of David Lamb, of Charleston, South Carolina; of sundry merchants of the city of Baltimore; of Charles Sigourny, and James Wells, merchants, of the city of Hartford, in the State of Connecticut; and of sundry merchants of the town of Alexandria, in the District of Columbia; all praying for the remission of penalties and forfeitures, incurred by them as importers of British manufactures, made the following report:

That they have bestowed on the subject a degree of attention proportioned to its importance; that they have, in the present investigation, confined themselves to the cases of importations directly from the United Kingdom of Great Britain and Ireland, and that the result of their examination and inquiries will be found—

First, In a correspondence with the Secretary of the Treasury.

Secondly, In a detailed examination of committees of merchants from Boston, New York, Philadelphia, and Baltimore, and some accompanying documents.

Thirdly, In a statement made by Mr. Russell, late Chargé des Affaires of the United States at the Court of London, who, at the request of the committee, was so obliging as to attend them and give this statement.

That, on a view of the whole subject, the committee are of opinion that the Secretary of the Treasury has full power to remit or mitigate the penalties and forfeitures incurred, should an interposition in either way be called for by the circumstances of the case, and, therefore, recommend, that it be

Resolved, That it is inexpedient to legislate upon the subject, and that the petitions, with the accompanying documents, be referred to the Secretary of the Treasury.

TREASURY DEPARTMENT,
November 18, 1812.

SIR: I have the honor, in compliance with the request of the Committee of Ways and Means, to submit the following statement of facts, so far as they have come to my knowledge, in relation to the late importations of British manufactures.

By the act of 2d March, 1811, it was enacted that certain provisions of the act "to interdict the commercial intercourse between the United States and Great Britain, and France, and their dependencies, and for other purposes," should (until the President's proclamation, authorized by the act, should have been issued) have full force, and be immediately carried into effect against Great Britain, her colonies, and dependencies. The provisions thus re-enacted forbade, under penalty of forfeiting the vessel and cargo, to import into the United States, or to put on board any vessel, in a foreign port, with intent thus to import, any merchandise of British growth or manufacture, from whatever port imported, and any merchandise whatever from a British port.

It was further enacted, by the same act, (of March 2, 1811,) that, in case Great Britain should so revoke or modify her edicts, as that they should cease to violate the neutral commerce of the United States, the President of the United States should declare the fact by proclamation; that such proclamation should be admitted as evidence, and that no other evidence should be admitted of such revocation or modification, in any suit or prosecution for the recovery of the forfeitures abovementioned; and that the restrictions, above stated, should, from the date of such proclamation, cease, and be discontinued.

By the act of Congress of 18th of June, 1812, war was declared between the United States and Great Britain.

On the 23d of the same month, an Order in Council was issued by the British Government, purporting to be a revocation of the edicts of that Government which violated the neutral commerce of the United States, subject, however, to certain conditions, specified in the said order.

Immediately after promulgation of that order, British merchandise was laden on board the American vessels, then in the harbors of Great Britain, with intent to import the same into the United States. It has been stated, and it is believed, that by far the greater part of those shipments were made in conformity with previous orders from merchants in America to their correspondents in England, by which these had been instructed to make such shipments whenever a revocation of the former British Orders in Council should take place; it having been presumed by the American merchants that such a revocation would, by virtue of the abovementioned act of Congress, of 2d March, 1811, produce a discontinuance of the prohibitions to import British merchandise into the United States.

On the 30th day of July following, the account of the declaration of war having reached England, a temporary embargo was laid on American vessels; but, on the ensuing day, they were, by order of Council, permitted to continue to take cargoes of British merchandise, and to proceed to the United States, being for that purpose provided with licenses protecting them, notwithstanding the existing hostilities, against capture by British cruisers. It has been stated that the time for obtaining such licenses was, with respect to American vessels then in England, limited to the fifteenth of September last; and, if that be correct, all the vessels of that description (with the exception of some, which, having been captured by American cruisers, retaken by the British, and sent into Halifax, have not yet been released, and perhaps of some which may have had very long voyages) may be presumed to have arrived in the United States.

It appearing that, however reasonable the expectation of the discontinuance of the non-importation act might have been, yet, not only the act

had made the President's proclamation the only evidence of the fact, but that the restrictions were to cease, not from the date of the revocation of the Orders in Council, but from the date of the proclamation; that the act to put merchandise on board a vessel, with intent to import, was forbidden by those restrictions; and that (all the merchandise having been thus laden, either prematurely, and before a proclamation could, in point of time, be issued by the President, or after the knowledge of war) all the shipments were therefore made in direct contravention of an existing provision; the collectors were instructed to seize and libel all such vessels and cargoes, without discrimination. No exception was made with respect to vessels captured and sent in by American privateers, because, if American property, their right to make prizes was, by law, confined to enemies' property, and, whether American or enemies', the forfeiture to the United States had been incurred from the date of the shipment, and could not be superseded by a subsequent capture. Instructions to prevent any interference in that respect, by either public or private armed vessels, were also issued by the President, such interference being considered wholly unnecessary, since the vessels from England were of their own accord coming into the ports of the United States. It appears, however, that in some cases, the owners of privateers, that have made captures of that description, intend to contest the prior claim to forfeiture of the United States; and that, in those cases, the question must be decided by the courts.

Previous to the time when those importations took place, it being understood that the judges of some of the district courts had restored to the claimants prohibited merchandise, under seizure, on their giving bond for the appraised value thereof, the district attorneys were, on the 15th day of May, 1812, instructed by the Comptroller to oppose every motion to that effect, for the reasons stated in his letter. It appearing afterwards that the judges of some of the most commercial districts had, notwithstanding that opposition on the part of the United States, continued to order the restoration of British merchandise, no appeal being practicable, since the orders were immediately executed, and the commercial interest of those districts where the restoration was refused, being deeply affected by the want of uniformity in the decisions, the Comptroller did, on the 5th day of October last, authorize the district attorneys to withdraw their opposition in all cases of *bona fide* American property. Copies of his two circulars on that subject are enclosed. All the prohibited merchandise restored to the claimants has been so restored by order of court, without any interference other than a forced acquiescence on the part of the Executive officers of Government. With respect to the mode of appraisement, it appears that the merchandise has generally been valued at its prime cost, adding thereto only the amount of duties, for which separate bonds have, in most cases, been taken. To this there are some exceptions, the valuation being, in Rhode Island, below, and in Connecticut, probably above the prime cost of the goods.

From returns transmitted by the collectors, some of which are in part on estimate, it appears that the prime cost of all the British merchandise imported as above stated, subsequent to the alleged revocation of the British Orders in Council, amounts to about four millions sterling; and that the bonds given for the value will fall short of eighteen million of dollars, exclusively of the bonds given for duties, and which may be estimated at five millions of dollars. This embraces all the importations already made, and will not be materially increased by vessels still on their way, unless it be true, as has been asserted, that American vessels, which had sailed to the Baltic, under certain British licenses, will, on their arrival in England, be provided with new licenses for their return to the United States, with cargoes of British merchandise. Such importations would form a class distinct from those now under consideration. Of the importations heretofore made, about three-eighths in value were in vessels which sailed from England between the 23d of June and 1st of August last, and the residue in vessels which sailed subsequent to the month of July. The whole may be arranged under the following heads, viz:

1. Merchandise purchased prior to the non-importation act, of 2d March, 1811, and which had remained warehoused in England at the risk of the American owners.

2. Merchandise purchased subsequent to the act of 2d March, 1811, and prior to the 23d of June, 1812, and which, since its purchase, had remained in the same manner in England.

3. Merchandise shipped on American account and risk, in pursuance of orders given prior to the 23d June, 1812, but not paid for till after the execution of such orders, and on different terms of credit.

4. Merchandise shipped in pursuance of similar orders, but consigned, in the first instance, to the order of the American correspondent of the British merchants, to be delivered, according to contingent instructions, to the real purchaser; which merchandise becomes American property when thus delivered, but remains till then on British account and risk.

5. Merchandise shipped entirely on British account.

There are no data from which, without further investigation, the amount of each class can be estimated.

The advance on the prime cost at which the merchandise thus imported has been, or can be sold, is not precisely known, and will undoubtedly vary according to the species of the goods. It has been asserted that, in some sales, the advance was sufficient to cover not only the prime cost, charges, and duties, but even the whole of the amount of the bonds. That this may have actually taken place in some particular instances, may be true; and it is probable that the importers would, so far as they could, cover, in their sales, the estimated risk of being obliged to pay those

bonds. But, so far as can be judged from the current price of goods, and from some sales said to have taken place, the supposition that they have been, or can be, generally, made so as to cover the whole amount of the bonds, is believed to be greatly exaggerated.

It is, however, an indisputable fact that the importation falls generally far short of the ordinary former annual importations from Great Britain, and of the actual demand for most species of the merchandise imported; and that the goods are accordingly generally sold at an advance greater than the usual profits of importers. The difference constitutes an extraordinary profit, and is a tax levied on the community by the persons who have imported the merchandise contrary to law; which extra profit or tax is solely due to the non-importation act continuing in force with respect to all other persons and importations.

Of the forfeitures accrued, one-half is by law vested in the custom-house officers, or informers, and the other half in the United States. The power to remit the share of the United States, and of all other persons, in whole or in part, and on such terms and conditions as may be deemed reasonable and just, is by law vested in the Secretary of the Treasury. But, considering the magnitude and unforeseen nature of the case, it was thought proper not to exercise that authority until Congress had taken the subject into consideration, and prescribed, if they thought proper, the course to be pursued. All the petitions already received remain therefore suspended; and, in order to avoid useless expenses, the parties have been generally advised to delay making their applications in the manner directed by law, until the decision of Congress should be ascertained.

I have the honor to be, with great respect, sir, your obedient servant,

ALBERT GALLATIN.

HON. LANGDON CHEVES,
Chairman Com. Ways & Means.

[*Circular.*]

TREASURY DEPARTMENT,
Comptroller's Office, May 15, 1812.

SIR: As it may be supposed that, on a seizure under the law of March, 1, 1809, commonly called the non-importation law, the claimant has a right to the repossession of the property seized, by giving bond as pointed out by the 89th section of the collection law, it is deemed proper to submit to you, respectfully, the views taken of this subject at this Department. If such be a correct construction of it, it is plain that it will go far towards defeating the ends contemplated by its passage.

The policy and intention of this act evidently was to shut the door as effectually as possible against the introduction of British manufactures. The motive of taking bond from a claimant under the 89th section of the collection law, as in all similar or analogous cases, unquestionably is, not that it may be received in lieu of the thing surrendered, but to compel or insure the forthcoming of the thing itself. But, the state of things existing, and always liable to exist, under the non-importation act, would hinder the operation of this obvious principle. The enhanced value of the British commodity, arising from a general scarcity, may make it, in most cases, the interest of the illicit importer to forfeit his bond, the penalty being regulated by the nominal or invoice price of the goods, or a sufficient intermediate rise taking place before the trial, although the penalty was fixed according to the market value at the time of seizure. The act, in its foundation, its objects, and entire scope, aims at the total exclusion from the country of all British goods. If thwarted in that object, its next is to transfer them, when unlawfully introduced, to the hands of the Government. To suffer them, when seized for an apparent breach of this law, to pass to the immediate and virtual ownership of the claimant, and be subject to his disposition, would, in a great degree, have the effect to turn it aside from all its original intendments.

As the design of the act would thus be liable to frustration, it may be asked where the authority is found for this alleged right in the importer? Its allowance, if it would endanger the primary objects of the Legislature, should rest on express words, or implication as imperious. The 18th section of the act of the first of March, 1809, in referring to the collection law as the rule of proceeding, does so, it is apprehended, only in relation to the distribution of the forfeitures. The first clause of that section stands as an integral provision, relying upon no other law for its support, and capable of being executed as to all the purposes of a civil or criminal suit, merely on its own footing, with the aid, indeed, of the incidental powers of the court. It is not seen that this general or resulting power, often inherent in courts, to order the repossession of a thing claimed on stipulation, or caution being given, either where it was for the benefit of all concerned, or where the thing itself was perishable, or where hardships was feared to an innocent owner, would be applicable under this law. But, if this be the ground of the importer's claim, it, of course, leaves out of sight, in every relation to the point, the 89th section of the collection law. If he cannot, then, stand upon the faith of any imperative injunction put upon the court, it will follow that his application must be addressed to its discretion; and you are, in such case, requested to resist the application, as opposed to the demonstrable policy of every part of the act. That a redelivery to the party should have been made to take place, by special provision, under the collection law, is reconcileable with the system of which it is a part, which looks only at a derivative offence against the revenue, without anywhere contemplating an original exclusion of the article seized. But, a similar course must be essentially repugnant to the spirit of a law which addresses itself to the interests of a foreign Power, declaring that that Power shall be debarred

all benefit of transporting her wares to the United States, and seeks to close, with penal sanctions, the very threshold to their entrance. The concluding part of the eighth section of the law further distinguishes it from the collection act, and by prohibiting, under a penalty, the purchase of British goods, knowing them to be liable to seizure, holds out an intimation that every practicability to their sale should be foreclosed, while their liability to condemnation remains undecided.

I beg leave to call your attention to the third section of the act, in *pari materia*, of the 2d of March, 1811. The first proviso of this section, by pointing out a specific case in which British goods, unlawfully introduced, may be delivered to the owner upon bond, furnishes, it is conceived, an argument of weight, that in no other state of things ought it to be done.

These suggestions are respectfully submitted for your consideration and government. You will, doubtless, be able to extend them, and will superadd such other views in elucidation of the meaning ascribed to the law at this Department, as your own reflections may supply. Under a conviction of its importance to the genuine intentions of the Government, it is particularly wished that you would resist, in every instance, a restoration to the claimant of the property seized, and never part, unless by the express order of the court, with the substantial security of a lien for the inferior and precarious safeguard of personal responsibility.

I have the honor to be, with great respect, your obedient servant,

RICHARD RUSH.

[*Circular to District Attorneys.*]

TREASURY DEPARTMENT,
Comptroller's Office, October 5, 1812.

SIR: Since the circular of the 15th of May, addressed to you from this office, it appears, from information received, that, in some of the districts, the courts hold themselves bound to deliver up the vessel and goods, seized in violation of the non-importation law, on satisfactory bond given by the claimant, while, in others, the opposition made to this course by the attorneys of the United States, has been found to avail with the court to refuse such delivery.

It is desirable that the law in question, whatever views may still be entertained of its original intention, should operate equally on the merchants or other owners of property seized, in every part of the Union.

Seeing, therefore, that a different line of practice is found to govern the courts in different districts, upon this point, and in order to prevent, as far as possible, any inconvenience or supposed injustice to individuals, resulting from such difference, you are hereby requested to withhold the opposition you were requested to make to the delivery of the property to the claimant, on his giving bond; the object being, that, as the decisions of the courts are not to be controlled by this Department, you may thus lend your aid, negatively at least, towards the uniform execution of the law. You will be pleased, however, to consider this relaxation as extended to property owned by American citizens only, and to urge, in all cases, a true and adequate appraisement.

I have the honor to be, &c.

RICHARD RUSH.

—— ——, *Attorney of the U. S. for* ——.

TREASURY DEPARTMENT, *Nov.* 23, 1812.

SIR: I had already transmitted an answer to your letter of the 18th instant, when I had the honor to receive that of the 20th, requesting, in addition to the statement of facts, such further and other views of the subject of the late importations of British manufactures, as I might think proper, and particularly, whether, in my opinion, their importation has not been actually and materially advantageous to the Government.

Having, in the answer already transmitted, stated all the important facts within my knowledge, I cannot present the subject in any new or other view than that exhibited by those facts.

The payment of five millions of dollars for duties on those importations, had been stated, and is, advantageous to Government. Indirect aid may also, perhaps, have been derived from the increase of supplies, and from the return of American capital, produced by that event. But these advantages, whatever they may be, have been forced upon Government, and cannot be urged as a service rendered by these importers. Had those advantages been supposed sufficient to outweigh other political considerations, the importations might have been, and still might be, permitted and regulated by law. In the case of the Calcutta vessels, whose cargoes (for the landing of which in the United States bond had been given in India) have, by the act of 5th of July last, been admitted to entry, this was done on the express condition of the merchandise being warehoused, and remaining subject to the future disposition of Government—thus reserving the power to fix the terms on which those cargoes should be restored to the owners and their sale be permitted. In the case now under consideration, the persons who have imported contrary to law, do not seem entitled to more advantageous terms than would probably have been imposed, had a previous permission been granted.

Upon the whole, I continue in the opinion, submitted with great deference to the committee, that the one half of the forfeitures, which would otherwise fall to the share of collectors, ought to be remitted; but that, with respect to the one-half belonging to the United States, justice to the community requires that, when remitted, at least an equivalent may be secured to the public for extra profit beyond that on common importations, which arises from the continuance of the non-importation act.

I have the honor to be, &c.

ALBERT GALLATIN.

HON. LANGDON CHEVES, *Chairman, &c.*

Examination of Committees of Merchants, &c.

Several committees of the petitioners and other merchants interested in these importations, attended your committee: these were, John G. Coster, John Mason, Washington Irving, and Abraham R. Laurence, from New York; Nathan Appleton, from Boston; Caleb Cresson, junior, William Schlatter, and Samuel Harvey, from Philadelphia; and Luke Tiernan, Philip E. Thomas, and Evan Thomas, from Baltimore.

The statements made by these gentlemen, who are men of character and respectability, were delivered, apparently, with such fairness and candor, as induced your committee to give much credit to them. The statements made by the committee from New York have been corroborated and confirmed by declarations made on oath, by persons disinterested, as well as those interested in these importations.

New York.—The committee from New York stated, that the current reports of enormous advances obtained by them, were not well founded; that some of them were entirely unfounded; that they had, for example, heard it stated that three hundred per cent. had been obtained in New York; that a local mode of selling English goods in New York, must have laid the foundation of this misstatement; that it is usual in that city to demand and obtain three for one, in the sale of such goods: which means £3 New York currency for £1 sterling, which really yields but sixty-eight and two-thirds per cent. advance on the prime cost. They admitted that particular articles had been sold for very high prices; that these prices, however, were not exacted from a desire or determination to include in them the penalties which might be enforced by the Government, but from the great competition which existed in the market for the articles; that, for these articles, there was, to use the words of Mr. Irving, one of the committee, "a ravenous demand;" that it was understood that there were three army contractors, at one time, bidding upon each other; that these articles were few in number, and formed but a small part of the amount imported; that they did not exceed one-eighth part of that amount; that there were none of them in the invoices of some importers; that Mr. Coster, one of the petitioners, had imported to the amount of nearly £20,000 sterling, prime cost, and had not received an article of this description; that the goods which commanded such high prices consisted, principally, of blankets and coarse woollens; that these were bulky articles, and paid a high freight; that the same circumstance made them liable to an extraordinary portion of other charges; that the very high prices which were obtained, were often received by second and third purchasers, and not by the importers; that there are three descriptions of dealers in these goods in New York: 1st. The large importers. 2dly. Large purchasers, who have money at command, who are well acquainted with the state of the market for every article, and, when there is a scarcity of a particular article, monopolize it and raise the price—these are called jobbers. And, 3dly. The retailers; and they stated, that the very high prices alluded to had frequently been received by the second, and, sometimes, by the last description of persons, and not by the petitioners. Hardware, cotton goods, glass ware, and fine goods, generally, have not been sold at high prices. Some goods have become unsaleable, from change of fashions; some come into disadvantageous competition with American manufactures, which have grown up or increased in quantity, while these goods have been lying in England; some are not worth cost and charges. Goods for the Southern markets (South Carolina and Georgia, for example) are unsaleable, from the expense or impracticability of land carriage, the risk of water conveyance, from the cruisers of the enemy, and other circumstances of war. The occurrence of peace and free intercourse would make the importers great losers on many of those importations. The following were stated as the ordinary charges; four per cent. export duty; two per cent. inland charges on valuable fine dry goods; the same charges on coarse goods are much greater; one per cent. for packing, wrappers, &c.; one per cent. for insurance and storage against fire till shipped; two per cent. freight on the average of fine goods; ten per cent. on coarse goods; on crockery, from two hundred to three hundred per cent. insurance against sea risk, &c; three per cent. on the aggregate amount of value as usually calculated in policies; commission for purchasing, from two and a half to five per cent.; one per cent. for receiving and paying over the remittance. The average of the lowest duties, as calculated at the custom-house, amounts to thirty-three and one-third per cent. on the prime cost; on crockery and glass ware, hardware, plated ware, silks, millinery, &c., fifty per cent. The duty is calculated by adding ten per cent. on the prime cost, and on all charges which precede the shipment, except commission and outside packages.

The following were stated as extraordinary charges and losses: One and a half per cent. for extra storage and insurance against fire. Many of the goods lay in store for more than eighteen months: average storage twelve months; seven per cent. (the legal interest of the State of New York) for the average detention of one year on the purchase money. The goods which have been disposed of, were sold on a credit, without interest, of from six to twelve months; average seven to eight months. A great portion of the goods will remain long on hand; all Spring goods, at least till the Spring. Great charges and embarassments have been incurred from capture by American privateers. Cargoes have been carried into and delivered in ports distant from those in which they were owned, and to which they were destined. Importers have sustained grievous court charges under the prosecutions directed by the Government. In New York, the courts have authorized a separate libel against the property of every importer, on each of which the costs have been $50 25, though the property may not have

consisted of more than a single package. The gross charges will average sixty per cent. on fine goods, and on coarse, they will be greater. They admit that, if the penalties and forfeitures be remitted, the petitioners will have a handsome profit, not much, however, exceeding the usual profits of ordinary trade, and it will be the whole profit of two or three years of embarrassed, and otherwise losing commerce. If the bonds be exacted, it will greatly distress all the importers. Many, it will ruin. The petitioners had given no orders which authorized the shipment of their goods under the actual circumstances which attend their shipment. It was an error of judgment in their agents, though it was a very general error, and one which ought not to prejudice the importer. It was confidently believed in England, that the importation would be permitted, and deemed legal. A printed paper, of which a copy is annexed, was circulated among all those engaged in the American trade, as proof that there was no danger in these shipments. The petitioners knew so little of the actual state of the fact, that they were, at first, greatly afraid of British capture. Those who shipped after the existence of the war was known, did it to get the property out of the hands of the enemy, choosing to rely rather on the justice and the moderation of their own Government, than the forbearance of a foreign Government and an enemy. If the property had lain in England to the end of the war, it would have been ruinous to the owners. A portion of their property was originally invested in British manufactures, because they had no means of getting it home without great sacrifices, and on account of the actual and growing depreciation of the paper credit of Great Britain at the time.

The petitioners have never violated any of the laws of the country, while their particular interests have often been injuriously and deeply affected by them.

Some of the petitioners might, by a compromise, which was offered to them by the American privateers, which had captured their property, have obtained it by the payment of only two and a half per cent.; and though this would not have given them any *legal* security, it might have enabled them *actually* to evade the operation of the law, as they believe some persons, dealing less fairly, have done by the same means. These petitioners, incapable of such an act, have relied on the justice of their own Government. They did not believe—the citizens of New York, generally, had no idea, that, under the hard circumstances of their case, their own Government would either forfeit their property, or mulct them where they intended no violation of the laws of the country.

[Copy of the printed paper referred to in the foregoing statement.]

Extract from the present non-importation act of the United States.

"Sec. 2. *And be it further enacted*, That, in case Great Britain shall so revoke or modify her edicts, as that they shall cease to violate the neutral commerce of the United States, the President of the United States shall declare the fact by proclamation, and such proclamation shall be admitted as evidence, and no other evidence shall be admitted of such revocation or modification, in any suit or prosecution, which may be instituted under the fourth section of the act to which this is a supplement. And the restrictions imposed, or which may be imposed, by virtue of the said act, shall, from the date of such proclamation, cease and be discontinued."

Extract of a letter from Mr. Monroe, the American Secretary of State, to His Majesty's Minister, Mr. Foster, dated

Washington, *July* 26, 1811.

"It is in the power of the British Government, at this time, to enable the President to set the non-importation aside, by rendering to the United States an act of justice. If Great Britain will cease to violate their neutral rights, by revoking her Orders in Council, on which event alone the President has the power, I am instructed to inform you, that he will, without delay, exercise it, by terminating the operation of this law."

Boston.—The gentleman who attended on the part of the merchants of Boston, made a statement, in all important particulars the same as the foregoing statement of the committee from New York, except so far as the following particulars may distinguish them:

He stated that he was in England from June, 1810, to May, 1811. That large quantities of goods were purchased and prepared for shipment, before 2d February, 1811, on account of the merchants of Boston, which arrived at the shipping ports too late to be shipped before the day last mentioned. A portion of these were shipped in the ensuing Spring and Summer to Halifax and Montreal, and the greater part of those thus shipped, have been introduced into the United States since the war.

The remainder of the goods, purchased before the 2d February, 1811, forms part of those which have been lately imported into the United States, directly from Great Britain. Considerable portions of the goods thus imported, were purchased subsequently to the 2d February, 1811, and before the revocation of the British Orders in Council, by those who had funds in England which they could not bring home; and there was a very considerable portion of these importations purchased immediately after the revocation of the Orders in Council. The last description of goods was shipped in pursuance of specific orders previously given, which were to be executed when the shipment of them should be deemed legal, or by confidential agents in England, acting under general powers. The general orders relative to the shipment of the goods on hand, or those ordered, were, to ship when it should be legal to do so.

The goods purchased before 2d February, 1811, were purchased on the usual credit of three and six months. Those purchased between that date and the revocation of the Orders in Council, were almost exclusively purchased with cash, as

the only object of the purchase was to invest the money of the purchasers. The greater part of those purchased at the moment of the revocation was purchased with cash which had been placed in England for the purpose.

At the period of the declaration of war, the exchange was at twenty per cent. discount. Afterwards, it was difficult to negotiate exchange at all, and it was thrown something under that depreciation. Since the late importations, it has risen, and is now at from fourteen to fifteen per cent. discount.

The goods which were purchased after the 2d February, 1811, and before the revocation of the Orders in Council, were purchased at a lower than the usual rate. In six months after 2d February, 1811, cotton goods suffered a depression equal to fifteen per cent. After the revocation, there was a small advance.

Generally, the importers of British goods were not the shippers of American produce to the Peninsula, or elsewhere. There are exceptions; many houses, much engaged in the shipments to the Peninsula, are among the late importers. A very large portion of the goods lately imported on account of the merchants of Boston, were imported by those engaged in the exportations to the Peninsula, who never imported British goods before. Probably three-fourths of the importations into Boston have been sold. The extraordinary profit beyond that of peace and free intercourse, is about from five to ten per cent. The late importations are less than the usual Fall importations.

Philadelphia.—The committee from Philadelphia confirmed, in all important particulars, as applicable to that city, the statement of the committee from New York, and added the following particulars: The merchants of Philadelphia send off their orders for English manufactures from nine to twelve months before the period at which they expect the arrival of the goods. A considerable portion of the late importations, which have been made on account of the merchants of Philadelphia, were prepared for shipment by December, 1810. A considerable portion was purchased between February, 1811, and the revocation of the Orders in Council, and a few were purchased immediately after the revocation. Orders were given, in the Summer of 1810, for the bulk of the goods which have been lately imported, and the principal part of these orders were executed by the month of December, 1810; but, on the appearance of the President's proclamation of the 2d November, 1810, the merchants countermanded the shipment of their goods, and the further execution of their orders, and gave instructions that they should be completed, and the shipments made when the Orders in Council should be revoked, and their importation into the United States become legal. A great portion of these goods was paid for at the time they were put up; some of them bought upon the usual credit, but paid for long before the revocation of the Orders in Council.

Dry goods, which were put up prior to 2d February, 1811, and those which were purchased after the revocation of the Orders in Council, were laid in at about the usual prices. Those purchased in the intervening time, were from ten to fifteen per cent. lower. Some articles of hardware cost rather an increased price, and none were purchased at reduced prices.

The importers of British manufactures are not, in Philadelphia, exporters of produce. The trade of that city is divided among two classes of merchants; one class imports, and the other exports. The importer almost universally makes his remittances in bills. The rate of exchange in Philadelphia varied, in 1811, from ten to twenty-two and a half per cent. discount. In 1812, it has varied from ten to twenty per cent. discount. Two weeks ago, it was at sixteen. In the Fall of 1810, it was at about five per cent. discount. The merchant does not consider as a part of his profit the advantage gained from a temporary depression of exchange, because, on other occasions, he has to pay a corresponding advance. It will be found, in twenty years, or other considerable given periods, to be balanced. When it has been above par, they have not increased the usual advance on their goods. They have never, before late periods, known exchange on England to be so low; never knew it, before these periods, to be lower than ten per cent.

Generally speaking, about one-third of the late importations remains on hand. The profits have been rather greater than formerly; from five to ten per cent. greater. But the merchants have been idle for almost two years, paying house rent, and all the other expenses of their establishments, without any gain, and, considering these disadvantages, they will, notwithstanding this profit, be losers, not gainers, on their business.

The quantity imported is not a full importation.

Baltimore.—The committee from Baltimore confirmed, as applicable generally to that city, the statement of the committee from New York, except so far as the following particulars may be variant from it:

They stated that Mr Russell, late Chargé des Affaires of the United States at London, had been applied to for his opinion and advice, and that he did advise these shipments, and gave it as his opinion, that the shippers would be safe; that the original importers of Baltimore had sold nearly all their goods; that they have not more than one-fifteenth or one-twentieth of their importations on hand; they have passed into the hands of jobbers and speculators; the average profit which the importers have obtained, beyond that of ordinary years, is between 5 and 10 per cent.

The usual practice, under the late restrictions, has been to give orders for goods to be executed on the contingency of a remission of these restrictions. It is believed that many of the goods lately imported, were purchased before the revocation of the Orders in Council, and many before 2d February, 1811. The hardware importations were all of this description. One of the committee, in October and November, 1811, passed through the great manufacturing towns in Eng-

land, and saw the warehouses full of goods, packed up, which were said to be there on American account.

A great many of these goods were paid for before their shipment, others were remitted for before their arrival, and others have been obtained on the usual credit. It has not been the general practice to pay for goods at the time of purchase; but merchants have had much more the means of paying for the late importations, than they had to pay some years ago; this increased ability has arisen from the circumstance that this description of merchants have done no business for nearly two years past. There will be always some not wholly paid for; but, whether paid for or not, whenever they are out of the warehouse, they are considered as on account of the importer.

The importers of these goods are not the same persons who have shipped American produce to the Peninsula. It is usual for these importers to place funds in England, in anticipation of their orders for the purchase of goods; the usual operation is, by the purchase of bills of exchange.

Dry goods have been purchased lately, at a lower rate than formerly, in England; those purchased in March, April, and May, were obtained at a lower rate than the same goods have been purchased at, at any other time. It was only at these periods that goods were purchased at an unusually low rate.

They have not taken into the calculation of the profit of these importations, the advantage on the purchase of bills; this is not included, because, if, on an average, the merchant pays no more than par for the bills he remits, he is satisfied, and the experience of merchants proves, that no material advantage results to them in a course of years. There are cases in which persons went to England, provided with extensive funds, and have speculated on the low prices of the last Spring; but the great bulk of the goods imported were shipped in consequence of orders long before given. The importations have effected the return to this country of so much American capital. These importations have not exceeded the orders given—they have been less. Five ships were carried into Norfolk, three of which belonged to Baltimore, and one merchant gave bonds for nearly the whole of their cargoes, which averaged £100,000 sterling each. One vessel, belonging to Baltimore, the Eliza Ann, was carried into Boston; the value of the cargo exceeded £100,000 sterling, and one man gave bonds for the whole cargo; these bonds were sometimes given in the expectation of a commission, without any authority from the owners of the property.

New York.—The committee from New York, in a subsequent communication, stated further, that the late importations into that city included purchases which were made after the revocation of the Orders in Council, as well as those which were made before the 2d February, 1811, and at intervening periods, but that the great mass had been purchased, and was on hand, remaining on American account, from the latter end of the year 1810. They did not think, they said, on being interrogated to that point, that this was a large calculation, notwithstanding the relaxation introduced by the law of March, 1811; because the merchants had asked information of the Secretary of the Treasury, before the passage of that law, as to the construction of the act of the 1st May, 1810, and the President's proclamation of 2d November, 1810, and were informed by that officer, that all goods which should not arrive in the United States prior to the 2d February, 1811, would be liable to forfeiture; that they therefore countermanded their orders, and did not enjoy the advantage which was granted by the act of March, 1811.

Orders, which are to be executed in the Fall, are usually given by the first January preceding, but the merchant frequently revises his orders in the Spring.

Some of the goods lately imported have been purchased at a low rate, but a great part of them has not; as many of them have been long laid in, the purchases have been made at lower than former prices.

The importers of British manufactures in New York, are a separate class of men from the shippers of American produce; they had no interest in the shipments to the Peninsula; there is scarce an exception within the knowledge of the committee, except Mr. Coster, one of themselves, whose trade was not to the Peninsula, but to the North of Europe; not one-half of the American property in England, has been brought home; there were but twenty days in which to make shipments; 23d June, the Orders in Council were revoked. On the 13th July, news of the declaration of war reached Liverpool, and it is believed no licenses were granted afterwards. The late importations are not equal to one-half of the usual supply, perhaps not one-third.

There has been an advantage obtained by the shippers to the Peninsula, by the depreciation of exchange in England; when they took bills, they were obliged to take bills. The exportation of specie was not generally permitted, and where not specially permitted, the attempt to export, if discovered, was coupled with forfeiture.

The course of trade practised by importers of British manufactures, as to payments, has been changed; formerly, the shipments were made on credit; the purchases are made with cash; the merchant who wants goods, and has not money, obtains his credit here, instead of obtaining it in England, as formerly; this country is, and has been for some time, the creditor of England; those who have imported on credit, for some time past, have been ruined. It is believed that the greater part of the goods, the orders for which were executed in the Fall of 1810, was paid at the time of purchase. There are, it is believed, cases in which the goods have been shipped to order, and were deliverable on contingencies to the American merchant, but they are probably few in number, because it cannot be presumed that, in the hostile attitude which the countries have presented, many men would be found who were disposed to place their property in a situation so precarious.

Mr. Russell stated, that, after the revocation of the Orders in Council, many of the American merchants did apply to him to obtain his opinion, whether they could ship British manufactures to the United States with safety or not? That, before the revocation of the orders, upon considering the whole circumstances of the case, examining the words of the law, and perceiving that its operation depended solely on the revocation of the Orders in Council—considering the evident bearing of the examinations in Parliament, and the ground on which the opposition contended for the revocation of the orders, which was not so much an act of justice to the United States as the advantage that was promised to their own manufacturers, he thought it his duty to countenance the idea that shipments made after the revocation of the orders, would be admitted into the United States; that this ground was taken by the advocates of a revocation of the orders, who declared that they would advise their friends to ship, as they believed shipments, in the event of a revocation, might be made with safety, and that he thought good policy required him to countenance the idea, in order to co-operate as far as possible, with the advocates of the revocation of the orders.

That, after the revocation of the orders, he continued to declare, and did declare, to the merchants who applied to him, as his opinion, that they might make shipments with safety. This opinion applied only to the cases where shipments were made before war. After a knowledge of the war had reached England, he declared distinctly to the merchants, that the ground of a probable annulment of the non-importation act, by the Government of the United States, had ceased.

Mr. Russell stated, however, that, after the knowledge of the declaration of war had reached England, he did still advise the American merchants to ship, because, if the property remained in England during the war, it would be ruinous to the holders. Many persons, after the revocation of the orders, and before the news of war arrived, had made purchases. He would not be understood to say that he advised the merchants that, in case the law should not be repealed, they would be permitted to enjoy the advantages of a monopoly, and the consequent ordinary profits, but merely that the property would not be confiscated. This, however, he said, was not at all a subject of conversation. His opinion that shipments might be made with safety, was founded as well on a presumption that the law would be annulled, as that the shippers would, in any event be placed, as nearly as possible, on the footing on which they would have stood had the law been annulled. That, if the law should not be annulled, the special circumstances under which the shipments were made would entitle them to an exemption from its penalties. He believed that, before the revocation of the orders, and after the interdiction, purchases were made under an expectation of a revocation, and these were made at reduced prices. The depression was not very material. After the revocation there was a rise, but they remained, throughout, lower than in common times, when the trade was assuredly free. He did not, however, pretend to be very conversant in these matters.

Some of the goods were purchased before the 2d February, 1811; but, he would suppose they formed a very small portion of the importations. In the period intervening between that date and the revocation of the orders, there had been more considerable investments, but he believed the greatest portion were purchased after the revocation. There was then great activity in investments, but he thinks it probable they were purchased with funds which had been remaining there for the purpose, and which were appropriated agreeably to orders which had been previously given, to be executed in the event of the revocation of the Orders in Council.

The knowledge of the declaration of war reached England about the 25th or 26th of July. Official information was not so soon received, and therefore the embargo which was laid by the British Government was not imposed till the 20th July. The order, subsequently issued, permitting the departure of licensed vessels, but limiting their departure to the 15th of ——, was extended in some special cases, but not generally.

The following affidavits and letters are selected from a number reported by the Committee as part of their report; those which are not printed are of a like tenor.

UNITED STATES OF AMERICA, *City of New York,* } *ss.*

By this public instrument, be it known to all whom this doth or may concern, that I, John T. Irving, a public notary in and for the State of New York, by letters patent under the great seal of the said State, duly commissioned and sworn, and in and by the said letters patent invested "with full power and authority to attest deeds, wills, testaments, codicils, agreements, and other instruments in writing, and to administer any oath or oaths, to any person or persons," do hereby certify, that, personally appeared before me, Charles Osborne, Cornelius Hever, H. Van Wagenin, John Stoutenburgh, William Irving, Nathaniel Richards, John Dodgson, John Mowatt, jr., Eliphalet Williams, Robert C. Cornell, John B. Dash, Benjamin W. Dwight, John R. Willis, Isaac Carow, Joseph Cornell, William W. Mott, James Jenkins, Francis B. Winthrop, jr., Moses Judah, Garret B. Abeel, Edward Lyde, George Newbold, Seabury Tredwell, Leonard Kip, James J. Roosevelt, Charles Smith, jr., Robert Lee, Ebenezer Irving, James S. Bailey, Joseph Curtis, and Henry King, all merchants, of the city of New York, and well known to me, who severally subscribed their names to the within deposition, and, being by me severally sworn and affirmed, respectively deposed and affirmed to the truth of its contents.

In testimony whereof, I, the said notary, have subscribed these presents, and I have hereunto affixed my seal of office, the sixteenth day of No-

vember, in the year one thousand eight hundred and twelve, and of the independence of the United States of America the thirty-seventh.

JOHN T. IRVING, *Notary Public.*

STATE OF NEW YORK, } *ss.*
City of New York, }

The subscribers, importers of hardware, in the city and county of New York, and merchants there resident, being severally duly sworn and affirmed, severally say:

That they have severally received importations of British manufactures, in their line, since the revocation of the Orders in Council by Great Britain; that, of these importations, they believe not more than one-third have been sold; that sales by the package, or wholesale, have been made at an average advance of about ninety per centum on the invoice; that the average charges of inland carriage, export duty, shipping commissions, insurance, freight, duties of import, &c., amount to sixty-five per centum, of course not leaving a profit on their investments of more than sixteen per cent., or of twenty-five per cent. on the invoice cost, exclusive of any accidental benefit arising from exchange; that this benefit has been much less than would appear, by reason of many of the importers having remitted their funds, twelve, eighteen, and even twenty-four months ago, at which period exchange was not more than from six to ten per cent. under par; and against whatever gain may have been so made the loss of interest, with the expense of storage, insurance from fire, &c., in England, may be considered as nearly a counterbalance. And these deponents and affirmants severally further say, that the said sales that have been effected by the package have been of the articles most in demand, and therefore most profitable; that the residue consists of many articles less saleable, and some of which, owing to the increase of the manufactures of this country, have been supplanted, and must be sold at little or no profit, such as nails, spades and shovels, planes, hollowware, whip thongs, webbings, mill saws, brushes of most descriptions, &c.

Charles Osborne,	James Jenkins,
Cornelius Heyer,	F. B. Winthrop, jr.,
H. Van Wagenin,	Moses Judah,
John Stoutenburg,	Garret B. Abeel,
William Irving,	Edward Lyde,
Nathan'l Richards,	George Newbold,
John Dodgson,	Seabury Tredwell,
John Mowatt, jr.	Leonard Kipp,
E. Williams,	J. J. Roosevelt,
Robert C. Cornell,	Charles Smith, jr.,
John B. Dash,	Robert Lee,
Benj. W. Dwight,	Ebenezer Irving,
John R. Willis,	James S. Bailey,
Isaac Carow,	Joseph Curtis,
Joseph Cornell,	Henry King.
Wm. W. Mott,	

I, David Dunham, of the city of New York, auctioneer, do hereby certify and declare, that I am in daily practice of vending, at public sale, goods of the late importations from Great Britain, &c.; that my sales embrace almost a general assortment of British manufactures, and that, for the present week alone, I have sold to the amount of nearly forty thousand dollars; that, with very few exceptions, the said goods have not brought above seventy to eighty per cent. upon the original costs; that the few instances where they have brought above that advance, it has more frequently occurred that they have not brought cost and charges, and, in some instances, that there has been from ten to twenty per cent. loss on goods. And I do further certify and declare, that, in the importations of goods, in which I have been interested, I have found a number of packages that it has been with difficulty that more than cost and charges have been obtained; and that I have *now* on hand an *entire* importation, that (owing to the long detention of said goods at New London, at which port they have been wrongfully detained) I am willing to sell for cost and charges; and further, that, when the whole of the goods *now* under detention, shall be brought into market, that the prospect is, that they will be considerably lower. And I do further declare, that I have been interested (under the firm of Dunham and Randolph) in the purchase of a very large amount of British manufactured goods, associated with three or four other houses, say upwards of half a million of dollars, and a great proportion of which have been purchased at a *bare* mercantile profit, after deducting all the contingent expenses attending the same; and lastly, that, in speaking of the cost and charges of all goods, the several penal bonds to the United States are never taken into calculation as composing any part thereof. To all these facts I subscribe, and stand ready to testify with my corporeal oath, if necessary.

DAVID DUNHAM.

I, Matthias B. Edgar, a partner in trade with Mr. Dunham, the annexed named J. Valentine Van De Water, and I, Edward D. Burke, clerks in the employ of the said David Dunham, are privy to the facts set forth in his certificate, so far as relates to his auction sales, and the goods imported by him, and of those now on hand; of the facts relating to the goods in which he has had an interest, with J. F. Randolph, under the firm of Dunham and Randolph, we believe to be true.

MATTHIAS B. EDGAR.
VAL. VAN DE WATER.
EDWD. D. BURKE.

NEW YORK *November* 16, 1812.

The subscribers, commission merchants, and auctioneers, of the city of New York, do certify, that they have sold, both at private and at public sale, large quantities of British manufactured goods, which have been imported here in vessels which left Great Britain subsequently to the Order in Council of the 23d of June last; that, in almost all instances, they had the original invoices of the said goods, and that they are of opinion, from various calculations they have made,

the said goods have, upon an average, afforded a profit to the importers, beyond the cost and charges, of about, but not exceeding, twenty per cent. They further certify, that they have sold several separate invoices of goods, which did not produce as much as the cost and charges.

BOGGS, LIVINGSTON, & Co.

NEW YORK, *ss.*

On this 16th day of November, in the year one thousand eight hundred and twelve, before me, B. Livingston, an associate Justice of the Supreme Court of the United States, personally appeared James Boggs, one of the mercantile firm of Boggs, Livingston, & Co., of the said city, who, being duly sworn, deposeth and saith, that the facts stated in the foregoing certificate are, to the best of his knowledge and belief, substantially true.

JAMES BOGGS.

Sworn the 16th November, 1812, before me.

B. LIVINGSTON.

Jabez Harrison, of the city of New York, merchant maketh oath that he has imported, during the present fall, since the repeal of the Orders in Council, about two hundred and thirty packages of dry goods, consisting of what is usually termed a general assortment; that, from those goods, he has sold several packages at less than cost and charges; that he has now on hand about twenty packages, for which, on an average, he is not offered more than the costs and charges; that upwards of one hundred packages of the foregoing have been sold at an advance varying from sixty to eighty-two and a half per cent., and not exceeding the latter.

J. HARRISON.

Sworn before me, the 17th November, 1812.

WM. BLEECKER, *Notary Public.*

UNITED STATES OF AMERICA, } *ss.*
City of New York, }

By this public instrument, be it known, to all to whom the same doth or may concern, that I, John T. Irving, a public notary in and for the State of New York, by letters patent under the great seal of the said State, duly commissioned and sworn, and in and by the said letters patent invested "with full power and authority to attest deeds, wills, testaments, codicils, agreements, and other instruments of writing, and to administer any oath or oaths, to any person or persons," do hereby certify, that, personally appeared before me, Daniel Hawxhurst, of the city of New York, merchant, known to me, who, in my presence, subscribed his name to the within deposition, and, being by me duly affirmed, deposed to the truth of its contents.

In testimony whereof, I, the said notary, have hereunto affixed my seal of office, the sixteenth day of November, in the year one thousand eight hundred and twelve, and of the independence of the United States of America the thirty-seventh.

J. T. IRVING, *Notary Public.*

UNITED STATES OF AMERICA, } *ss.*
District of New York, }

Daniel Hawxhurst, of the city of New York, merchant, being duly affirmed, saith, that he is well acquainted with the value of hardware; that, within forty days past, he has purchased the best and scarcest articles, and those which yield as much profit as any others, at twenty-five per cent. advance on the net amount of the invoice, at a credit of four months, and the discounts allowed in England were allowed to him; and that he knows the charges which have to be paid out of this advance of seventy-five per cent., in export duty, shipping expenses, insurance, commissions, freight, duties on imports, &c., amount to from sixty to seventy per cent., and that the importer receives no more than a fair mercantile profit on the articles of this kind.

DANIEL HAWXHURST.

Affirmed to, this 16th of November, 1812, before me,

JNO. T. IRVING, *Notary Public.*

UNITED STATES OF AMERICA, } *ss.*
District of New York, }

Leonard Kipp, of the city of New York, merchant, being duly sworn, deposeth and saith, that he is well acquainted with the value of hardware; that, within ten days last past, he has purchased the best and scarcest articles, and those which yield the largest profit, at ninety per cent. advance, on six months credit; and that he knows the charges which have to be paid out of this advance of ninety per cent., viz: export duty, shipping commissions, insurance, freights, duties of import, &c., amount to from sixty to seventy per cent., and that the importer receives no more than a fair mercantile profit for articles of this kind. And this deponent further saith, that he has now on hand a large quantity of nails, spades, and shovels, which, in consequence of the high duties and extra charges, he is willing to sell for the first cost, together with the double duties and invoice expenses, &c., to which the same are subject.

LEONARD KIPP.

Sworn the 14th November, 1812, before

B. LIVINGSTON.

UNITED STATES OF AMERICA, } *ss.*
District of New York, }

Asa Hoyt, of the city of New York, merchant, being duly sworn, deposeth and saith, that he is well acquainted with the value of hardware; that, within forty days last past, he has purchased the best and scarcest articles, and those which yield the greatest profits, at ninety per cent. cash, and one hundred per cent. at four and six months credit, by the package, and he knows the charges which have to be paid out of this advance of ninety to one hundred per cent., viz: export duty, shipping commissions, insurance, freight, duties of import, &c., amount to from sixty to seventy per cent., and, after taking from the list of importations, low-priced cutlery, butt-hinges, and a few other light articles, the residue will not, under the double duties, bear a future importation, excepting in quite limited quantities, particularly brass, hollow ware, shovels, &c., which now form a considerable part of the importations, and do

not, excepting at retail, pay any profit, and that the importer receives no more than a fair mercantile profit on the whole.

ASA HOYT.

Sworn this 10th day of November, 1812, before me, C. BOSTWICK,
Notary Public, New York.

NEW YORK, *November* 14, 1812.

DEAR SIR: Some of my friends and neighbors feel a great interest on a subject now before Congress, in which, having personally but little interest, my views of the subject may perhaps be useful to you, when your attention shall be drawn to its consideration; at any rate, I presume on your friendship to receive with candor the ideas I shall communicate.

Many of our importers of British goods are under immense responsibilities to the Government, for themselves and their friends; the course of my business would, at almost any other season, have placed me under similar circumstances; but not expecting, myself, the repeal of the Orders in Council, I had withdrawn my brother from England last year, and having no other there to act for us, we have not imported a cent on our account this season, although we have pretty large funds there, arising from shipments made a long time since. We have only bonded for three thousand seven hundred and fifty dollars, amount of a small shipment made to us by an American citizen, in which we have no interest.

I am fully persuaded that Government wish to act with perfect fairness in relation to these bonds, and that the merchants have only to make out their case, as entitled to relief, to receive the full measure of it.

That those American merchants who happened to be in England, or had partners or agents there, on the repeal of the Orders in Council, should venture to make shipments, I presume can surprise no one, who has attended to the correspondence which has passed between the two Governments; at least, I am ready to say that, not knowing or expecting war, I should certainly have done so freely, had I been there. The only objection of any weight, to cancelling the bonds, that I have heard, is the large profits the merchants have realized; it is true, that some of those who were fortunate enough to have their vessels arrive early in the season, without the interruption of private or public cruisers, and who sold off their goods immediately, have secured unusually large profits on some descriptions of goods, say low-priced woollens, &c. These prices have been obtained in consequence of the previous scarcity, and a belief that, in consequence of the war, further supplies were precarious, and not from any idea of indemnity against the risk of the penal bonds to Government. In all our large cities, there are a class of dealers who buy by the package from the importers, and sell by the piece to the country traders; this class of people have probably felt rather unfriendly to the importers, to whom they gave any extra profit, and many of them have represented the importers' profits as extravagant, in order to cover their own extortions on the country merchants. If, however, for this single season, the importers' profits should be unusually large, is it anything more than the fair chance of trade, or an indemnity against the losses of former periods, arising out of the course of measures pursued by the Government for the general good, but which have borne with great severity on the importing dry good and hardware merchants? I do assure you that, although I have conducted my business with my usual industry and judgment, that, for the last three years, I have not made my current expenses; and this I know to be the case with many others; therefore, although I do not share with them the handsome profits of this season, I feel that they are entitled to it, and do not envy them. Thus far, I have only viewed the bright side of the subject; there is, however, probably, a majority of those who have given bonds, who will only make a fair mercantile profit, in consequence of the expenses on, and delay in, the receipt of their goods, arising from detention by the cruisers, who have, in many instances, sent in the merchant ships to distant ports from where they were bound, and thus obliged the consigners of the goods to incur heavy expenses in procuring the release. Under these circumstances, the delay in getting possession of the property, has, in most instances, deprived the merchant of the greater part of his expected profit; and, it is within my own knowledge, that now, when goods have fallen in price, so as to afford, in most instances, little more than the usual small profits, and, in some instances, no profit, many of the importers are but just getting possession of a great portion of their goods, and many are not yet released. We have, ourselves, a ship in the freighting business, which was proceeding from Scotland to this port, with a valuable cargo of dry goods, on account of various merchants in this city; she was captured in August last by a privateer, and carried into Bristol, Rhode Island. The ship is released on bond, but nearly the whole of the cargo is this day in store in Bristol, under charge of the marshal or collector—the privateer (the *Yankee*) refusing to consent to their release on bond. Are not these cases of hardship? I am, with much respect, &c.

JAS. HEARD.

LEWIS CONDICT, Esq.

BALTIMORE, *Nov.* 17, 1812.

MY DEAR SIR: In consequence of the death of our mutual and respectable friend, Mr David Armour of this city, as his particular friend, and administrator of his estate, the duty has devolved upon me of stating particularly the transaction as it occurred, and the circumstances under which the goods lately imported by Armour and Jenkins arrived. This subject, I observe, being referred to a committee of the House of Representatives, to make report on, imposes an obligation on me stating such facts and circumstances, relating to this business, as I conceive may be use-

ful. This I should have done at an earlier period, but was prevented by the want of the documents from Norfolk, which came to hand the night before last only. For many years past, as will no doubt appear, by referring to the Treasury Department, Armour & Jenkins, (saddlers of this city,) were in the practice of importing, every Spring and Fall, a small quantity of saddlery. Pursuing their customary plan, on the 30th of June, 1810, they ordered the goods, which have lately arrived, the subject which is now before the committee. Shortly after this period, Mr. D. Armour was taken sick, and died on the 11th of November following, leaving a widow and six children. During the time between the 30th of June, 1810, and his death, part of the money for those goods was paid; the balance, Mr. Jenkins, the surviving partner, paid, by great exertions, in the latter end of March, 1811, having obtained the money, in part, from the Union Bank of Maryland, on loan, to effect this object. The inducements to those exertions were, that Messrs. William Walker & Co., of Philadelphia, who were the agents of the Messrs. Walkers in England, of whom the goods were ordered, gave him a discount of 7½ per cent. for prompt payment. You will please to observe, that, when this money was paid, the goods were expected in a very short time; this opinion was induced by the letter of William Walker & Co., of Philadelphia, dated 13th March, 1811, an extract from which is herewith enclosed. The circular from the Treasury Department, it is presumed, which reached England in the interim, stopped their shipment, as, by that instrument, no goods were allowed to be landed in this country, which should arrive after the 2d of February; although it so turned out, that, had they been shipped, by a subsequent law of Congress they would have been legally imported, as the law admitted all goods that should leave England before the 2d of February. In the midst of those difficulties, and believing, from the declaration of our Government, that the non-importation act would be repealed, as soon as the British Government should revoke their Orders in Council, Mr. Jenkins, the surviving partner, with, I believe, almost every other importer, ordered the goods shipped as soon as the Orders in Council should be removed. This event having taken place, and the shippers in England not knowing of war being declared by this Government, shipped them under the former orders they had received. I should have mentioned that the goods sold, as heretofore mentioned, by order of the Orphan's Court, were sold on a credit of six months, which time, added to that already elapsed since the money was paid, makes twenty-five months' interest due, or 12½ per cent.; from which, deduct the 7½ per cent. allowed for prompt payment, and 5 per cent. stands, of course, a proper item in the price of the goods, which would, on the money paid in England, amount to about $720. From the foregoing, which is founded, not upon speculative suppositions, but upon facts, absolute in themselves, the documents of which can be exhibited, if necessary, it would follow, that, if the Government exacted the bonds taken, Armour & Jenkins would lose $10,935 03½; this results from the following facts:

The amount of penal bond, per Tom Hazard, in Norfolk, is - - - -	$12,807 88
The amount of penal bond, per brig Ann, in Baltimore - - - -	640 33
	$13,448 21
From this sum, deduct the net profits made, as per statement No. 3 - -	2,513 17½
Absolute loss of Armour & Jenkins	$10,935 03½

I am aware that something may be said about the rate of exchange; on this head, I shall adopt the language of Mr. Russell on a late occasion. I have *nothing to disguise*. The advantage of bills, upon the whole of this transaction, has been about 14 per cent.; but *have we not, without any fault of ours*, been subjected to great trouble, anxiety, and alarm? Yes, more than any man in his senses would be willing to undergo for such an advantage.

Having, as I conceive, made a fair and honest statement of this business, I would ask, what will Government be likely to do? In coming to this determination, there will be but one object in view—this object is justice. You know me too well to suppose I would not be among the very first to step forward to punish any violation of the laws of our own Government; but it is surely a sound maxim to say, that, where there was no intention to transgress, there can be no crime; and where there has been no crime, I am quite sure, an honest Government like ours will never punish. You may ask how a discrimination can be made. To this I would say, that, if the collected wisdom of the United States cannot devise means to punish the guilty, without involving the innocent, let the whole escape. Adopt the common declaration of law—it is better for ninety-nine guilty persons to escape, than to punish one innocently. Having been thus lengthy, I shall conclude by giving you permission to make what use you please of this letter, and the accompanying documents. I remain, yours, very respectfully,

JOHN HILLEN.
Adm'r estate of D. Armour.

ALEXANDER McKIM, Esq.

Extract of a letter from William Walker & Co., dated Philadelphia, 13th March, 1811, to Messrs. Armour and Jenkins.

"GENTLEMEN: We have yours of the 11th; the last accounts we have from our friends in England, are of the 22d December, at which time they intended shipping all they could get on board by 2d February. They mention particularly, that the Baltimore orders, having been received early, were in a great state of forwardness, and would be ready for the first vessels. We have, therefore, no doubt, but the greatest part of your goods will be in the Diana."

SINKING FUND.

[Communicated to the Senate, February 8, 1813.]

WASHINGTON, *February* 6, 1813.

The Commissioners of the Sinking Fund respectfully report to Congress as follows:

That the measures which have been authorized by the Board subsequent to their last report, of the 5th February, 1812, so far as the same have been completed, are fully detailed in the report of the Secretary of the Treasury to this Board, dated the 5th day of the present month, and in the statements therein referred to, which are herewith transmitted, and prayed to be received as part of this report.

W. H. CRAWFORD, *Pres. Sen., p. tem.*
J. MARSHALL, *Chief Justice, U. States.*
JAMES MONROE, *Secretary of State.*
ALBERT GALLATIN, *Sec'y Treas'y.*

TREASURY DEPARTMENT, *Feb.* 5, 1813.

The Secretary of the Treasury respectfully reports to the Commissioners of the Sinking Fund:

That the balance of moneys advanced on account of the public debt, remaining unexpended at the close of the year 1810, and applicable to payments falling due after that year; which balance, as appears by the statement B, annexed to the last annual report, amounted to - $493,174 17

Together with the sums disbursed from the Treasury during the year 1811, on account of the principal and interest of the public debt; which sums, as appears by the statement C, annexed to last annual report, amounted to - 8,148,095 00

Together with a further sum arising from profit in exchange on remittances from America to Europe, purchased during the year 1811, amounting, as appears by the statement D, annexed to the last annual report, to 56,726 14

And, with the further sum of £4,900 sterling, in bills taken in payment of the principal of an equal sum of protested bills, as appears by the same statement D, and equal, at par, to - 21,777 78

And amounting, together, to - $8,719,773 09

Have been accounted for in the following manner:

I. There was repaid into the Treasury, during the year 1811, on account of the principal of moneys heretofore advanced for the payment of the public debt, including the amount of sundry bills of exchange received in lieu of others previously purchased, which had been protested, as appears by the statement E, annexed to the last annual report - $168,444 45

II. The sums actually applied, during the same year, to the payment of the principal and interest of the public debt, as ascertained by accounts rendered to the Treasury Department, amounted, as will appear by the statement A, to eight millions forty-eight thousand eight hundred and fourteen dollars and seventy-nine cents, viz:

1. Paid in reimbursem't of the principal of the public debt -	$5,543,606 39	
2. Paid on account of interest and charges on the same -	2,505,208 40	
		8,048,814 79

III. The balance remaining unexpended at the close of the year 1811, and applicable to payments falling due after that year, as ascertained by accounts rendered to the Treasury Department, amounted, as will appear by the statement B, to - - 502,513 85

Total - - $8,719,773 09

That, during the year 1812, the following disbursements were made out of the Treasury, on account of the principal and interest of the public debt, viz:

I. On account of the interest and reimbursement of domestic funded debt - $3,845,117 34

II. On account of the domestic unfunded debt - $945 04
And of the debt due to foreign officers - - 1,444 17
2,389 21

III. On account of the interest on Louisiana stock, and on converted stock, payable in Europe - - 627,051 64

Amounting, together, as will appear by annexed list of warrants, marked C, to $4,474,558 19

Which disbursements were made out of the following funds, viz:

I. From the funds constituting the annual appropriation of eight millions dollars, for the year 1812, viz;

From the fund arising from the interest on the debt transferred to the Commissioners of the Sinking Fund, per statement I - - - - $1,899,125 22

From the fund arising from the sale of public lands, being the amount received into the Treasury, from the 1st October, 1811, to the 30th September, 1812, per statement K - - 822,599 64

From the proceeds of duties on goods, wares, and merchandise, imported, and on the tonnage of vessels - - 1,727,906 03

Amounting, together, to - - $4,449,630 89

Which sum of $4,449,630 89, being deducted from the annual appropriation of $8,000,000, leaves an unexpended balance of $3,550,369 11, to be applied during the year 1813, in addition to the appropriation for that year.

II. From repayments into the Treasury, on account of moneys heretofore advanced for the payment of dividends on the domestic funded and unfunded debt, as will appear by the statement E - - - - - 24,927 30

Making together - - $4,474,558 19

That the above-mentioned disbursem'ts, together with the above-stated balance, which remained unexpended at the close of the year 1811, of		502,513 85
And, together with a further sum, arising from profits on remittances from America to Europe, purchased during the year 1812, and amounting, as will appear by the statement D, to		91,532 88
Making together		$5,068,604 92

Will be accounted for in the next annual report, in conformity with the accounts which shall then have been rendered to the Treasury Department.

That, in the meanwhile, the manner in which the said sum has been applied, is estimated as follows:

I. The payments into the Treasury, on acount of the principal of moneys advanced for the payment of dividends on the domestic funded and unfunded debt, have during the year 1812 amounted, as by the above-mentioned statement E, to		$24,927 30
II. The sums actually applied, during the year 1812, to the principal and interest of the public debt, are estimated as follows:		
1. Paid in reimbursem't of the interest of the public debt	$2,262,690 01	
2. Paid on account of interest and charges on the public debt	2,422,060 14	
		$4,684,750 15
As will appear by the estimate F.		
III. The balance which remained unexpended at the close of the year 1812, and applicable to payments falling due after that year, is estimated, per estimate G, at		358,927 47
Making together		$5,068,604 92

That, in conformity with the resolution of the Commissioners of the Sinking Fund, of the 19th June, 1812—a copy whereof is hereunto annexed, marked M—the residue of the converted stock was reimbursed at the close of the year 1812; and, that, in conformity with the resolution of the said Commissioners, of the 6th July, 1812—a copy of which is annexed, marked N—$179,300 of Louisiana domestic six per cent. stock, $14,000 (nominal) of deferred six per cent. stock, and $57,000 of six per cent. stock, of 1812, have been purchased previous to the 31st December, 1812, having cost, together, $242,847 39, as will more particularly appear in the statement marked L.

And that the statement H exhibits the amount of stock transferred to the Commissioners of the Sinking Fund, and to the Treasurer of the United States, in trust for said States, and standing on the books of the Treasury on the 31st December, 1812; no stock having been transferred, in payment for lands, during the year 1812.

All which is respectfully submitted.

ALBERT GALLATIN.

INCREASE OF REVENUE.

[Communicated to the House, February 15, 1813.]

COMMITTEE ROOM, *Feb.* 11, 1813.

SIR: The Committee of Ways and Means are of opinion that it is expedient to raise an internal revenue for the service of the year 1814; but that it is altogether impracticable, within the present session, to pass the necessary laws for that purpose; they have, therefore, directed me to inquire of you, at what time, in your opinion, it will be necessary that such laws should be enacted, in order to raise a revenue, which may be collected in time for the service of that year.

I am also directed to bring to your attention the last paragraph of your letter to the Chairman of this Committee, of the 10th of June, 1812, and to ask whether the opinion therein given is applicable to the present state of things, and to the probable exigencies of the Government, in the year 1814?

As early an answer as shall be consistent with your convenience is requested.

I am, with great respect, &c.

LANGDON CHEVES.

HON. ALBERT GALLATIN, *Sec'y Treasury.*

TREASURY DEPARTMENT, *Feb.* 12, 1813.

SIR: In answer to your letter of yesterday, I have the honor to state that I still believe it practicable to organize the taxes within three or four months after the passing of the laws in the shape reported. This, however, is only matter of opinion, in which I may be mistaken; and it would certainly be desirable, if other considerations do not oppose it, to prevent the danger of disappointment, by allowing more time for the selection of officers, preparing and transmitting the forms and instructions, and taking all other steps necessary for the organization of a difficult and novel system, which must pervade every part of the extensive territory of the United States. The selection of officers, including the time necessary to ascertain whether they will accept, is perhaps the operation most likely to produce delay.

I have the honor to be, respectfully, &c.

ALBERT GALLATIN.

HON. LANGDON CHEVES, *Chairman, &c.*

COMMITTEE ROOM, *June* 9, 1812.

SIR: I am directed, by the Committee of Ways and Means, to request you to inform them, whether, in your opinion, the non-importation act may not be so modified, or partially suspended, as to afford a revenue equivalent to the estimated amount of the proposed internal taxes, additional tonnage duty, and diminution of drawbacks; and, in such event, whether the last mentioned objects of revenue may not, for the present, be dispensed with.

I am, sir, with great respect, &c.

LANGDON CHEVES.

HON. ALBERT GALLATIN, *Sec'y Treasury.*

TREASURY DEPARTMENT, *June* 10, 1812.

SIR: I had the honor to receive your letter of yesterday, asking whether, in my opinion, the non-importation act may not be so modified, or partially suspended, as to afford a revenue equivalent to the estimated amount of the internal taxes, additional tonnage duty, and diminution of drawbacks; and, in such event, whether the last mentioned objects of revenue may not, for the present, be dispensed with?

All the estimates of revenue, which have been transmitted during this session, having necessarily been made in conformity with the existing laws, were predicated on the supposed absolute prohibition of British produce and manufactures. These, in ordinary times, amounted to more than one-half of the foreign merchandise consumed in the United States. The actual exclusion of the greater part of the articles of our own growth from France, Holland, and Germany, the consequent nullity of our commerce with those countries, and the conquest by Great Britain of their colonies, still more lessens the proportion of foreign articles which may be imported from other countries than the British dominions.

It is, therefore, evident, that the amount of duties on importations will be more than doubled in the event of a suspension of the non-importation, and that they will, whilst that suspension continues, afford a revenue, at least equivalent to the estimated amount of the proposed direct tax, internal duties, additional tonnage, and diminution of drawbacks. All these may be dispensed with, so long as the suspension continues, provided that the contemplated increase of one hundred per cent. on the duties on importations shall take place.

It is not believed that the result would be materially affected by a modification, or partially, instead of an absolute, suspension of the non-importation: for the amount of importations would be principally regulated by the amount of American funds already in England, and by the subsequent consumption of American produce in Great Britain, Spain, and Portugal, and the British West Indies, respectively. If a discrimination be thought eligible, it would seem that the articles entitled to preference are colonial produce, particularly rum, coarse woollens, middle price cotton goods, Irish linens, earthen and glassware, hardware and manufactures of steel, tin, brass, and copper, fine cloths, muslins, plain cotton goods, manufactures of silk, hemp, flax, (with the above exception) and leather, paper, hats, shoes, and millinery, may either be altogether supplied by domestic manufactures or dispensed with.

The annual importations of British colonial and domestic produce and manufactures could not be estimated at less than thirty-five millions of dollars. Supposing (on the same grounds on which the other estimates of duties on importation in time of war were made) that the war and other restrictions should reduce the amount to one-half, the proposed double duties collected on the revenue would produce a net revenue of at least five millions of dollars, and greater, therefore, than all the proposed internal taxes and duties and additional tonnage duty.

Permit me, however, to observe, with respect to this last duty, that, so far as relates to foreign vessels, the proposed addition appears necessary, and is hardly sufficient to compensate the great advantages which war will give them over American vessels, in the American commerce.

It is proper to add, that all the bills for laying and collecting the direct tax and internal duties have been prepared in conformity with the former request of the Committee, so that the whole subject may be taken up at this, or any other time, without any delay on the part of the Treasury. The only detail on which the information is not as complete as might be desired, is that of the quotas of the direct tax intended to be laid on the several counties in each State. It is also believed that the system has been prepared in such manner that it may be organized, and all the taxes be in full operation, in the month of April next, provided the laws are enacted before the commencement of the year 1813.

I have the honor to be, &c.

ALBERT GALLATIN.

Hon. LANGDON CHEVES, *Chairman, &c.*

FINES, PENALTIES, AND FORFEITURES.

[Communicated to the House, February 27, 1813.

Mr. QUINCY made the following report:

The Committee appointed to inquire into the principles and practice adopted by the Treasury Department in relation to the revenue laws, and to the mitigating or remitting the fines, penalties, and forfeitures, accruing under the same, having, in pursuance of that appointment, had an interview with the Secretary of the Treasury, and examined such papers as they deemed necessary for the due execution of their trust, addressed to him a letter, marked A, and received from him, in reply, the letter marked B, with the accompanying document. All which are annexed to this report.

It appears to your committee, as far as they are enabled to judge, that the remitting and mitigating powers, exercised by the Treasury Department, have been used in a manner liberal and just. Your Committee have not deemed it their duty, from the terms of their authority, to enter into the consideration of the expediency of relieving the Treasury Department from the burden of exercising this discretion. In some commercial communities, a similar discretion is vested in a board of commissioners, whose members form a check upon each other, and the publicity of whose proceedings preserve their decisions, under the scrutiny of the public eye, and the wholesome control of public opinion.

Your Committee report to the House the annexed papers, as the result of their inquiry.

A.

HOUSE OF REPRESENTATIVES,
January, 22, 1813.

SIR: The Committee appointed to inquire into the principles and practice adopted by the Treasury Department in relation to the revenue laws, and to the mitigating or remitting the fines, penalties, and forfeitures, accruing under the same, have directed me to request such an elucidation of the general construction given by that Department, of its powers in relation to that subject, as may indicate the principles by which it has been regulated. They particularly have authorized me to desire an answer to the following inquiries:

Whether, in cases of "intention of fraud" existing, the Department deems itself authorized either to remit, or mitigate?

Whether, in cases of "wilful negligence" existing, the Department deems itself authorized either to remit, or mitigate?

Whether, in cases where neither one nor the other exists, the Department deems itself at liberty to inflict the whole penalty, or any part of it?

If the Department has deemed itself at liberty, in cases where no "wilful negligence" and no "fraud" has existed, to inflict the whole penalty, or forfeitures, or any part of either, then the Committee have directed me to inquire by what general principles its decision, in such cases, has been regulated?

Particularly, whether the Department has deemed itself confined, in relation to such cases, to such a mitigation of the penalty, or forfeiture, as might include the mere incidents of the prosecution, and the "terms and conditions" on which, having reference to such incidents, it should be made to cease; or, whether, in relation to such cases, it has deemed itself at liberty to take into consideration other circumstances, such as the profits of the Treasury, the gains of the individual, the like or other considerations, in estimating the amount of the penalty or forfeiture to be exacted.

The Committee having perceived that, in certain cases, where "wilful negligence and fraud" were stated not to exist, the condition of release has been on the payment of "costs and charges, and a certain per centage, for the use of the United States, in addition to the duty established by law," they have directed me to inquire by what principles this levy has been regulated? To what cases it has been applied? And what has been the gain to the United States by such payments of per centage.

The Committee also requests a general statement of the fines, penalties, and forfeitures, received by the Treasury Department since the date of the establishment, and the expenses which have occurred on prosecutions for them.

The Committee will be happy to receive any elucidation which the above inquiries, or any other considerations connected with the subject, may suggest. I am, sir, respectfully, &c.

JOSIAH QUINCY.

HON. ALBERT GALLATIN.

B.

TREASURY DEPARTMENT, *Feb.* 12, 1812.

SIR: The pressure of current business has prevented an earlier answer to your letter of 22d ultimo. The tenor of some of the queries therein contained, renders it necessary to premise some observations on the object and obvious construction of the law, which authorizes remisssions or mitigations of fines, penalties, and forfeitures.

In almost every penal code, the law fixes the maximum of the fine which may be inflicted for offences made punishable by the payment of money, and leaves it discretionary with the court to prescribe, in every case, according to its circumstances, the sum, not exceeding that maximum, which shall be paid by the offender. In the revenue and restrictive laws of the United States, the fines, or forfeitures, which may be incurred by reason of any infraction of those laws, are made absolute; and the power to mitigate, and even to remit the whole amount, has, it is presumed, for the sake of uniformity, been vested, under certain limitations, in the Secretary of the Treasury. It is enacted that he shall have power "to mitigate or remit such fine, forfeiture, or penalty, (or remove such disability,) or any part thereof, if, in his opinion, the same shall have been incurred without wilful negligence, or any intention of fraud in the person or persons incurring the same; and to direct the prosecution, if any shall have been instituted for the recovery thereof, to cease and be discontinued, upon such terms and conditions as he may deem reasonable and just."

Since the Secretary of the Treasury is not authorized to remit, or even to mitigate, unless there has been neither intention of fraud, nor wilful negligence, it necessarily follows, that, by the words, *wilful negligence*, is meant only such flagrant and voluntary infraction of the laws as, though not implying fraud, properly so called, is, by the statute, considered as tantamount to fraud, and therefore precluding any remission, or even mitigation of the penalty incurred.

Since the power to remit in part, or to mitigate, which is precisely the same as a power to enforce a part of the penalty, not only may be exercised in cases which fall short, in the words of the statute, of intention of fraud, or of wilful negligence, but is limited to such cases alone; it necessarily follows that the statute contemplates offences implying a certain degree of guilt, and requiring a punishment less than the whole amount of the penalty incurred, although there has been, in persons incurring such penalty, neither intention of fraud, nor what is there called wilful negligence.

It is evident, from the tenor of the statute, that it describes two classes of offences: 1st, such as imply fraud, or (to use the expression) *statute* wilful negligence, and which shall be punished by the infliction of the whole amount of the fine, penalty, or forfeiture incurred; 2dly, such as imply neither fraud or *statute* wilful negligence, to which alone the power to remit, or to mitigate, can be applied.

That the last class embraces two species of infractions: such as, falling short of the highest degree of offence, which precludes even a mitigation, must, however, render the party liable to a partial payment of the penalty incurred; 2dly, such as, from involuntary and unimportant omissions, have made the party legally liable to the penalty, but where such penalty should, in equity, and may, without weakening the execution of the laws, be altogether remitted; and that the authority vested in the Secretary of the Treasury is applicable only to that class of offences, which imply neither fraud nor *statute* wilful negligence, and consists in graduating the amount of penalty which it may still be proper and necessary to enforce, or in granting an unqualified remission, according to the nature of the case.

This exposition of the law affords a ready answer to the general queries proposed by the committee, and was thought necessary, because it was apprehended that some erroneous view of the subject and meaning of the law might result, from not particularly attending to the restricted sense affixed to the words "*wilful negligence*," by the statute.

It was apprehended that, on a first impression, the position may have been assumed, either, that the power to enforce a part only of the penalty did not exist, although that power be expressly implied in that of mitigating, and remitting in part, or that it could be exercised in cases where there was neither fraud, or *statute* wilful negligence, although this authority be, by the statute, expressly confined to such cases alone.

To the three first queries of the committee, it is, therefore, answered:

1. That the Secretary of the Treasury does not consider himself authorized, either to remit or to mitigate, in cases where, in his opinion, there has been neither intention of fraud, or (*statute*) wilful negligence.

2. That he does not consider himself authorized to inflict the whole penalty, in cases where, in his opinion, there has been neither intention of fraud, or (*statute*) wilful negligence.

3. That he does consider himself authorized, when, in his opinion, necessary and proper, to enforce a part of the penalty in some, and require the payment of costs in all cases where, in his opinion, there has been neither intention of fraud, or (*statute*) wilful negligence.

The fourth query of the committee is to the following effect:

By what general principles has the decision of the Treasury been regulated in cases where, there being no fraud or (*statute*) wilful negligence, a part of the penalty or forfeiture has nevertheless been enforced? "Particularly: Whether the Department has deemed itself confined, in such cases, to such a mitigation of the penalty, or forfeiture, as might include the mere incidents of the prosecution, and the 'terms and conditions' on which, having reference to such incidents, it should be made to cease; or, whether, in relation to such cases, it has deemed itself at liberty to take into consideration other circumstances, such as the profits of the Treasury, the gains of the individual the like or other considerations, in estimating the amount of the penalty, or forfeiture, to be exacted."

From what has already been stated, it follows, that, if, by "incidents of prosecution," and terms and conditions connected therewith, the payment of costs only be meant, the Treasury (with the exception of a few cases of great hardship) has required such payment in all cases of remission or mitigation, and has not deemed itself confined to such payment in those cases where it appeared necessary and proper to enforce a part of the penalty or forfeiture. The statute grants, in that respect, two distinct powers—that of prescribing the terms and conditions on which prosecutions shall be discontinued: which, of course, embraces the payment of costs and other incidents of prosecution, and that of mitigating or remitting, only in part, the penalty. Which last authority would be nugatory, and would not therefore have been given, had the law intended to confine the effect of that authority to the costs, or other similar incidents of prosecution; these being embraced by another part of the enacting clause.

In deciding on those cases to which the power of remitting, in whole or in part, does apply, and in graduating the amount of penalty enforced, in those where it appeared improper to grant an unqualified remission, the Treasury has been invariably governed by three principles:

1st. Enforcing laws. 2dly. Reducing the penalty to that amount, and requiring only that portion which appeared sufficient for the purpose of preventing infractions. 3dly. Uniform rules of decision, so far as the diversity of cases rendered them practicable. In the application of those principles to individual cases, several circumstances have naturally been taken into consideration, such as the degree of negligence manifested by the party; the importance, for the safety of the revenue, of the particular provision which had been infringed; the encouragement due to the vigilance of the officers; and, when necessary, for the purpose of checking illegal importations, the profit derived from the transaction.

The gain of the Treasury never had any influence on any decision, or has even been thought of. The portion of a mitigated penalty sometimes happens to be paid into the Treasury, because the law had made one-half payable there, if not mitigated. The decisions of the Treasury never can add anything to the amount actually forfeited, and otherwise legally payable; and whenever a mitigation takes place, it operates as a deduction from such payment. If it ever should be attempted to draw a revenue from forfeitures and penalties, it will be done by giving to the statute a construction precisely the reverse of that now adopted. Instead of restricting the words "wilful negligence" to flagrant infractions, tantamount to fraud, as is now done, in conformity with the obvious meaning of the statute, let those expressions receive that construction of which, in common parlance, they are susceptible; let every negligence, however unimportant, provided it be

accompanied with an act of the will, be called "wilful negligence," and every penalty which has been mitigated, together with many of those which have been remitted in full, will fall in the class of those on which no remission can be granted. With that construction, instead of the trifling amount which has been paid into the Treasury for the share of the United States, in mitigated penalties, which have been enforced in part, not less, probably, than two millions of dollars, remitted by those decisions, would have been legally exacted. The exposition of the law, and the preceding arguments, have been adduced only in proof of the correctness of the principles which have been adopted in mitigating penalties: for, in point of fact, the portion which has been paid on that account, in the Treasury, is so inconsiderable, that, if known, it never could have been supposed that what is called the gain of the Treasury had the smallest effect on the decisions.

The whole number of decisions, since the present Secretary of the Treasury has filled that office, viz; from the 14th of May, 1801, to the 14th of December, 1812, amounts to 1,297. In ninety-two of these cases, there being, in the opinion of the Treasury, intent of fraud, or (*statute*) wilful negligence, no remission could be granted. Of the 1,205 other cases, to which the power of remittting in whole, or in part, applied, there have been 888 in which an absolute remission has been granted, generally on payment of costs; and 317 have been mitigated. In about two-thirds of these, nothing more has been inflicted than the payment of sums, generally inconsiderable, to the use of the custom-house officers. Of the residue, there are 27, consisting of three embargo cases, and of 24 cases of illegal importations, principally from Amelia Island, or in vessels at sea when war was declared, in which the decision has been, that, from the net proceeds of sales, the costs, and (in the cases of importation) the duties in force when the decisions took place, should be deducted; that the residue, if not exceeding the prime cost, freight, insurance, and other charges, should be paid to the claimants, and that the surplus, if any, should be distributed in the same manner as the whole forfeiture, if enforced, would have been. In one of those cases, one hundred and fifty dollars have been paid into the Treasury. It is ascertained that, in many of them, there is no surplus; and the same result is anticipated in most others. In 67 other cases, hereafter stated, in answer to the last query of the committee, the whole amount paid into the Treasury falls short of four thousand dollars. There may be eight or ten more cases of mitigations, in which some payments have been, or may be, made into the Treasury, and which, not being sufficiently designated in the register of decisions, could not be ascertained without a critical examination of all the original papers. The amount of penalties and forfeitures actually paid into the Treasury, and which is hereafter stated, arises, almost exclusively, from cases of fraudulent infractions of the laws, on which no remission whatever could take place, and, in most of which, no application has, of course, been made to the Treasury.

The last query of the committee relates to the principles and amount of mitigations where a certain per centage has, in addition to the duties established by law, been required for the use of the United States.

In cases where a fine is mitigated, it is always done by fixing a sum of money less than the fine. When a forfeiture is mitigated, it is more consistent with the spirit of the law that the reduced payment which is required should still be in proportion to the value of the whole forfeiture incurred. This principle has been adopted in those cases designated as having been mitigated, by requiring the payment of a per centage. All those which have been ascertained amount to sixty-seven, as already stated, and consist of two classes.

1. The first partial non-importation act took effect on the first day of July, 1808. The following rules were adopted with respect to subsequent importations, not fraudulent, and susceptible of remission or mitigation. An absolute remission was granted on all importations in vessels which had sailed from a British port, prior to the 1st of June, 1808, on the ground that there was a possibility of their arrival prior to the time when the law took effect. The forfeiture was mitigated in the subsequent cases, and no greater portion required than what appeared absolutely necessary to prevent continual infractions. For that purpose the forfeiture was reduced to the payment of a sum equal to double the amount of the legal duties, to be divided as the forfeiture itself, if enforced, would have been. But that sum was levied only on the articles actually prohibited, and not on those otherwise admissible, and belonging to the same owners, though they were also forfeited by the law. There were thirty-seven cases of this description. It has been ascertained that the sum paid in the Treasury on thirty of them, amounts to $1,646 44. The sum paid on the seven other cases is blended in the collector's accounts, with the ordinary duties, but, from the value of the merchandise, is estimated to have been less than nine hundred and sixty dollars. The forfeitures remitted by those same decisions are believed to have exceeded half a million of dollars in value.

2. The importation of spirits, porter, and refined sugar, is prohibited in vessels or casks, of a size less than is prescribed by law. In the first decisions made on those cases, the condition of the remission was, that the articles imported contrary to law should be re-exported, without giving any other option to the owners. The only exception, while that rule prevailed, is Gillespie's case, where the spirits had been sold by order of court, prior to the application for a remission being made. The condition of paying one-fourth part of the proceeds was substituted to that of re-exportation, which had become impracticable. The share of the United States, contrary to what was intended, did not, in that case, cover the legal duties. It being, from experience, ascer-

tained that the condition of an absolute re-exportation was sometimes impracticable, and in most cases, more severe than was required for the purpose of preventing infractions of the law, an alternative was added to that condition, by leaving it optional with the claimants, if they did not re-export, to pay a certain sum which, after some variations, was fixed at the rate of five cents per gallon of spirits, for the use of the United States, in addition to the legal duties. But, in all the cases, two only excepted, where the admission arose from inadvertence in filing the decisions, the condition of the re-exportation has always been preserved, and the payment aforesaid imposed only in case of not complying with that condition. The cases of this description, in which any money may have been paid in the Treasury, amount to thirty. The actual payments being blended with the accounts of duties, cannot be ascertained. But the amount of spirits, porter, and sugar, embraced by those cases, have been ascertained from the applications for remission; and it appears that, if no part has been re-exported, and if, in every instance, the parties have preferred to pay the sum to which the forfeiture was reduced, the whole amount paid in the Treasury cannot have exceeded $1,400, and may, therefore, have been less.

A general statement of all the fines, penalties, and forfeitures, paid by the collectors into the Treasury, from the 1st of January, 1794, to the 31st of December, 1811, and amounting to $253,-508 05, is enclosed. The expenses of prosecution in those cases, as paid by the marshals, cannot be discriminated from the general expenses paid generally for jurors, witnesses, and all other expenses incident to the prosecutions of every species of offences against the United States, including the safe-keeping of prisoners. The aggregate of all these amounts for the same period, as appears by the annexed statement, to $857,-206 69. There can be no doubt that the portion expended in prosecuting for the offences against the revenue and restrictive laws under which the abovementioned fines, penalties, and forfeitures, have been incurred and paid, considerably exceeds the amount actually recovered and paid in the Treasury; and that those penalties have never been a source of revenue, nor been sufficient to defray the expenses of prosecution: for which object they are exclusively appropriated by law. I have the honor, &c.

ALBERT GALLATIN.

Hon. Josiah Quincy, *Chairman.*

OWNERS OF PRIVATEERS.

[Communicated to the House, November 23, 1812.]

To the honorable the Senate and House of Representatives of the United States in Congress assembled, the memorial of the undersigned, of the city of Baltimore, merchants and owners of private armed commissioned vessels of war, respectfully represents:

That your memorialists have, since the declaration of war, at a heavy charge and cost, purchased, equipped, and fitted for offensive operations, numerous strong and well appointed cruisers, which have done the public enemy immense injury, by the capture of many of her merchant vessels laden with valuable cargoes, and the destruction of at least ten thousand tons of her shipping; that the cruisers of your memorialists have captured and made prisoners of war seven hundred of the seamen of the enemy, who have been exchanged for an equal number of American prisoners, who have thus, through the instrumentality and at the charge of your memorialists, been rescued from captivity; that, trusting to what they deemed the fair construction of the 14th section of the act "concerning letters of marque, prizes, and prize goods," and, supposing from the general and comprehensive expressions of the commissions which had been granted to them by the President of the United States, that enemy's property, whether taken bound to the United States or elsewhere, on the high seas, or within our own waters, was lawful prize, your memorialists were greatly induced by this confidence to make larger and more immediate outfits, calculating upon the known course of trade between this country and Great Britain, in which it has been so usual to cover British interests in American names, and knowing that it would be in their power, when armed with the authority of a national commission, to detect and bring to light the belligerent interest; that, in many instances, your memorialists have succeeded in capturing and bringing in for adjudication property so circumstanced, that they had proceeded against it as prize of war, and a general sentiment appeared to prevail among those experienced in the law that, under the fair construction of the prize act, and according to the manifest intention of the Legislature, the captors having incurred the expense of the outfit, having encountered the peril of capture, and having detected the enemy interest, which must otherwise have remained concealed, were entitled, in law, as well as in point of justice, to the benefit of the capture; that, after proceedings had been instituted at their instance, and at a heavy expense, against such property in different districts, your memorialists, who never anticipated any interference on the part of the Government of the United States with their just claims, on the ground of an act of Congress pre-existing the declaration of war, and whose operation they believed to be suspended, as related to prize goods, by the 14th section of the prize act above referred to, now find themselves called upon to defend their rights as well against the pretensions of the Treasury Department as against the shufflings, evasions, and legal subterfuges of fictitious claimants, anxious to screen, because having a common interest in the property of the belligerent. Your memorialists are persuaded that it could not have been the intention of the Legislature to appropriate the proceeds of individual enterprise, exertion, and hazard against the enemy to the exclusive advantage of the public Treasury; and that, if such can, by any possibility, be the

legal exposition of their acts, it must have been a mere legislative omission, of which your memorialists confidently hope the injurious consequences will be prevented by an explanatory law.

Your memorialists would further beg leave to submit to the wisdom of Congress the propriety of diminishing, on behalf of the captors, the very heavy duties imposed upon prize goods. They do not require an indiscriminate abatement of duty upon all prize goods, but they would humbly represent that, on various articles, principally intended for exportation, and not consumed within the country, the impost equals, and, on some, exceeds their value in the market; so that it may happen that the captor, instead of being benefited, may have incurred his risk and expense in some instances, without any profit from, and in others at a positive loss by, his prize. Your memorialists would suggest that it is not in consonance to the just principles of revenue that the Government, under the pretence of duty, should take the whole proceeds of the exertions and hazards of the captor, but that there should, in all cases, be a just proportion between the value of the article captured and the claim of the Government thereon, by way of impost. In such cases, therefore, your memorialists would humbly pray a diminution of duty, or that, with respect to prize goods, a fair ratio be established, by law, between the value in market and the impost on the article.

Your memorialists would respectfully call the attention of the Legislature to the embarrassments, difficulties, and delays which they labor under in the determination of prize causes in the different courts of the United States, under the present very imperfect system, even in cases where the enemy interest is incontestably shown, where no claim is interposed, and where, therefore, the proceedings ought to be conducted with the expedition characteristic of Courts of Admiralty. In several such instances a procrastination of many months has taken place, to the extreme injury of the captors, without any reasonable cause of delay, and the hardy seaman who hazarded his life in the public cause, finds himself at last obliged, by necessity, to sacrifice, for a trifle, his share in the just compensation of his perils, to which, as the right is certain, so the remedy ought to be immediate.

While there are numerous acts of Parliament in Great Britain, prescribing to the Courts of Admiralty the mode of proceeding, and insuring to captors a safe and speedy ascertainment of their rights, whereby the private armed service is much encouraged, your memorialists, and others in the like circumstances in the United States, are exposed to the inconvenience of this matter being left entirely open to the discretion of the judges, with the exception of a few words in the prize act. In consequence of which omission, every court has, according to the several impressions of its judges, adopted a mode of proceeding peculiar to itself; and while in one district the remedy of the captor is speedy, in others the determination for a considerable time is suspended, to the great vexation and injury of the interested. That courts belonging to the same country, and exercising, in different districts, precisely the same jurisdiction and power, should be bound by some rules common to them all, in matters of prize, and that the rights of the citizen should not be different before tribunals similarly organized, according to the district in which such rights are to be exercised, would appear to be positions too plain for argument; but that, from the want of the necessary provisions, the rights of war speedily administered in one district, should, in another, be subject to the most vexatious delays, appears to be an evil of such magnitude that your memorialists are persuaded that it is only necessary to show its existence to Congress to secure its prompt legislative redress.

Your memorialists would further submit to Congress some considerations which, although of minor importance, in a national point of view, are of serious moment to them, as owners of private armed vessels of war. Great inconveniences are experienced by them in consequence of that provision of the prize act which renders it incumbent on the captors to proceed against the prize in the first district to which such prize may be brought—a provision which appears to your memorialists to operate exclusively to the benefit of the officers of the customs and of the courts, who claim the possession and benefit of prizes taking refuge in port, as their rights—a provision which, in many instances, may expose the prize to re-capture by the enemy, which deprives the privateer owners of all control over that in which they are the most interested, subjects them to the loss of a bad market, and compels them to submit to a distant and expensive agency, and to frequent detriment from carelessness and mismanagement, which would not have been incurred, if the prize could have been lawfully taken from the district where she first casually arrived, to the district in which the captor resides, and to which the capturing vessel belongs. As to any substantial object of justice, they can discover none which is so gratified by the provision in question, as to render a compliance with the interests and wishes of the captor, in this particular, inexpedient; the question in controversy can be as justly decided in one district as another, in which respect no preference can be presumed in law, and none can be justly given; and the inconvenience from the present arrangement is so sensibly felt, that it will frequently happen that prizes will incur the risk of re-capture, from a longer voyage, rather than put into a near American port, at which the rights of the officers of the customs and of the court may compel her to remain, although it may be to the interest of all concerned that she should proceed to another port. Your memorialists, therefore, pray that captors be permitted, by law, to take their prizes from one port of the United States to another, under such precautions and limitations as to the wisdom of Congess may appear expedient.

Your memorialists would further submit to the consideration of Congress the propriety of a

legal provision that the agents of the captors should, in cases where the prize is sold on a credit, be entitled to receive the notes or other securities which have been received upon such sales by the respective marshals of districts, previously securing to the officers their fees and commissions; such a provision, enabling the person specially appointed by the captors to receive the proceeds, would put it in his power in most instances to pay off the officers and seamen before the terms of credit expired, and thus prevent the inconvenience and loss arising from the delay. And as the agents of the owners are in general the agents of the officers and crew, there can be no just exception to the law at once intrusting them with the possession of those funds which must finally come into their hands, through the medium of the clerks of the courts. Your memorialists would likewise suggest that the marshal's commission on the sale of prize goods, which is charged upon the gross amount of sales, is peculiarly burdensome to the captor, in all cases where the United States receive the greater part of the proceeds by way of duties, as such commissions come entirely out of the pocket of the captors, and not unfrequently amount to five or six per centum on the sum which they are entitled to receive, after the deduction of duties. Your memorialists conceive that in justice they should only be chargeable with marshal's commission on the sum by them actually received.

Wherefore your memorialists pray that Congress, taking into consideration the various grievances of which they have herein complained, will pass a law or laws giving them such relief in the premises as to the justice and the fair demands of your memorialists may be due.

Robert Patterson,	John Snyder,
Jeremiah Sullivan,	P. A. Karthaus,
C. Deshon,	Thomas Sheppard,
Thomas Tenant,	James Ramsey,
Lemuel Taylor,	Thomas Hutchins, Jr.
A. Clopper,	Wm. F. Graham,
Thorndick Chase,	Charles Gwinn, & Co.
J. W. Patterson,	Christian Keller,
William Price,	Francis Forman,
William Hollins,	Briscoe & Partridge,
Ch. F. Kalkman,	George Stiles,
F. & A. Schwartz,	John Diffenderffer,
John M'Kim, Jr.	John W. Glenn,
Hollins & M'Blair,	Charles Diffenderffer,
Archd. Kerr,	Jacob Boyer.

RE-ORGANIZATION OF THE NAVY DEPARTMENT, &c.

[Communicated to the House, February 6, 1813.]

NAVY DEPARTMENT, *Feb.* 2, 1813.

SIR: Permit me to revive the suggestions I had the honor to make to you in conversation relative to the better organization of the Navy Department; and though it would be premature in me to offer any general system of improvement, yet, in my view, there are some prominent defects in the establishment, which are susceptible of a simple remedy, similar to that of which necessity urged the adoption in relation to the War Department.

The vital error appears to me to consist in loading the Chief of the Department with the cognizance of details, and with the execution of duties which divert his attention from the sound direction of the great and efficient objects of the establishment; or the inevitable alternative is to submit the execution of those duties to subordinate agents, whose responsibility does not afford a sufficient guarantee to the public for the judicious and faithful discharge of the trust. Of this nature is the duty of forming contracts, making purchases, and the effective control and accountability of navy agents, now spread over the interior as well as the Atlantic coast, and which I conceive would employ to great public advantage a distinct department, directed by a responsible and able head. If, in the present state of our Navy, this view of the subject is in any degree correct, the increase, as now provided for by law, must render it indispensable.

I would therefore respectfully suggest the idea of a Naval Purveyor's department, with deputies, as many as may be necessary, to be nominated by the President to the Senate. The Purveyor to reside in some of our central seaport towns, where the state of the market, and the information necessary to form contracts to advantage, can be best known, and effected with the best security; the Secretary of the Navy retaining the control and general direction of all important contracts to be formed by the Purveyor.

Permit me also to ask of you to consider the propriety of increasing the appropriation for clerks in the Navy Department, so as to admit of the addition of two able clerks to the number now employed. I would also suggest the propriety of providing for the appointment of an additional number of captains, in anticipation of those authorized by the act for building the seventy-fours. There is not now a single vacancy; and, unless a captain is taken from one of the navy yards, there is no commander for the Macedonian, although a distinguished master commandant has been designated for that promotion and command; indeed, we have none to provide for casualties, or the fate of battle.

I would also draw your attention to a species of force of vast importance for short coasting convoys, as well as for the annoyance of the enemy. I mean corvettes, such as the Hornet, or rather larger, (such as the enemy employ.) Of this valuable class of vessels we are almost destitute. I think six vessels of this class would be desirable; they can be built by contract on favorable terms, and in service in four months. Orders have been given to construct and equip two corvettes at Erie, and one at Sackett's Harbor, with a view to the complete command of the whole of the lakes. I think, sir, the public could be amply remunerated for the additional six corvettes, by a reduction of the number of gunboats now in service, and the officers and

crews of those that may be retained, in situations admitting of such diminution. I have, &c.

WILLIAM JONES.

Hon. BURWELL BASSETT.

NAVY DEPARTMENT, *Feb.* 3, 1813.

SIR: With reference to the note I had the honor to address to you on the —— instant, permit me to add that the authority to increase the number of captains is equally applicable to the circumstances of the Adams frigate, intended for Captain Morris, who is not yet appointed, and for whom there is no vacancy.

I also pray your attention to a subject which menaces the service with serious inconvenience. Offences committed on board privateers are to be tried by naval courts martial; two have been called for and ordered since I have been in office. It is at all times inconvenient and expensive to institute these tribunals, and, in many cases, may be impracticable; meanwhile, the accused may be suffering the rigors of an unjust imprisonment, and the frequency of offences or charges may create very serious evils. Indeed, a case has already occurred, in which an individual has suffered several months' close confinement, waiting trial. Cannot some other tribunal be substituted?

I am, sir, your obedient servant,

WILLIAM JONES.

NAVY DEPARTMENT, *Feb.* 4, 1813.

SIR: Upon more mature reflection and investigation, I am induced to believe that it will for this session be best to postpone the creation of the Purveyor's office, lest it should militate with some of the arrangements necessary to be made at an early period; and during the recess, I shall have an opportunity of testing the utility of the plan, as well as of suggesting some improvements of the system. All that will be necessary at present, will be to provide for two additional clerks in this Department, and I believe they are really necessary. I would propose to embrace in the appropriation for building and equipping the sloops of war, the whole number which may be necessary both on the lakes and the sea, by a section authorizing the building —— sloops of war, (say ten of the largest class,) and a section appropriating, for the building and equipping the said sloops of war, including $200,000 for expenses incurred in the purchase and building of vessels on the lakes, —— dollars.

I am, respectfully, sir, your obedient servant,

WILLIAM JONES.

Hon. B. BASSETT, *Chairman, &c.*

REFUSAL TO FURNISH MILITIA.

[Communicated to Congress, November 6, 1812.]

To the Senate and House of Representatives of the United States:

I transmit to Congress copies of the correspondence between the Department of War and the Governors of Massachusetts and Connecticut, referred to in my Message of the fourth instant.

JAMES MADISON.

NOVEMBER 6, 1812.

[*Circular.*]

WAR DEPARTMENT, *April* 15, 1812.

SIR: I am instructed by the President of the United States to call upon the Executives of the several States to take effectual measures to organize, arm, and equip according to law, and hold in readiness to march at a moment's warning, their respective proportions of one hundred thousand militia, officers included, by virtue of an act of Congress, passed the 10th instant, entitled "An act to authorize a detachment from the militia of the United States."

This, therefore, is to require your Excellency to take effectual measures for having ten thousand of the militia of Massachusetts (being her quota) detached, and duly organized in companies, battalions, regiments, brigades, and divisions, within the shortest period that circumstances will permit, and, as nearly as possible, in the following proportions of artillery, cavalry, and infantry, viz: One-twentieth part of artillery, one-twentieth part of cavalry, and the residue infantry. There will, however, be no objection, on the part of the President of the United States, to the admission of a proportion of riflemen, duly organized in distinct corps, and not exceeding one-tenth part of the whole quota of the States, respectively. Each corps should be properly armed and equipped for actual service.

When the detachment and organization shall have been effected, the respective corps will be exercised under the officers set over them, but will not remain embodied, or be considered as in actual service, until, by subsequent orders, they shall be directed to take the field.

Your Excellency will please to direct that correct muster rolls and inspection returns be made of the several corps, and that copies thereof be transmitted to this Department, as early as possible.

I have the honor to be, &c.,

W. EUSTIS.

His Excellency the
GOVERNOR *of Massachusetts.*

[A similar letter was addressed to the Governors of Connecticut, Rhode Island, and New Hampshire.]

WAR DEPARTMENT, *June* 12, 1812.

SIR: I am directed by the President to request your Excellency to order into the service of the United States, on the requisition of Major General Dearborn, such part of the quota of militia from the State of Massachusetts, detached conformably to the act of April 10th, 1812, as he may deem necessary for the defence of the seacoast.

I have the honor to be, &c.

W. EUSTIS.

His Excellency CALEB STRONG,
Governor of Massachusetts.

HEAD QUARTERS, BOSTON, *June* 22, 1812.

SIR: I have received instructions from the President of the United States to call on your Excellency for such part of the quota of militia from the State of Massachusetts, detached conformably to the act of Congress of April 10th, 1812, as I may deem necessary for the defence of the seacoast; and I now have the honor of requesting your Excellency to order fourteen companies of artillery, and twenty-seven companies of infantry, into the service of the United States, for the defence of the ports and harbors in this State, and the harbor of Newport.

The companies are intended for the following ports and harbors, viz: Passamaquoddy, one company of artillery, and four companies of infantry, with a full complement of officers, to be commanded by a major; Marblehead, Salem, Cape Ann, and Newburyport, two companies of artillery and two companies of infantry; Boston, four companies of artillery and eight companies of infantry, with one lieutenant colonel commandant and one major; and eight companies of infantry for the defence of Rhode Island.

Having received official information that war has been declared by Congress against Great Britain, your Excellency will perceive the expediency of giving facility to such measures as the crisis demands; and, as the defence of the seacoast of New England is, at present, confided to my direction, I shall, with confidence, rely on all the aid and support that the respective Governors can afford, and more especially on that of the Governor of the important State of Massachusetts; and I shall, at all times, receive, with the greatest pleasure, any advice or information that your Excellency may be pleased to communicate.

With respectful consideration, I am, sir, your obedient servant, H. DEARBORN.

His Ex'cy CALEB STRONG,
Governor of Massachusetts.

Omitted in the above:—Machias, one company of artillery; Penobscot, one company of artillery and two companies of infantry, to be commanded by a major; Wiscasset and Damariscotta, two companies of artillery, one each; Kennebunk, one company of artillery; Portland, two companies of artillery and three companies of infantry, to be commanded by a major.

BOSTON, *June* 26, 1812.

SIR: Not having received any notice from your Excellency, or the Adjutant General, of what measures have been taken for calling into the service of the United States, for the defence of our seacoast, the companies of detached militia, proposed in a note I had the honor of addressing to your Excellency, on the 22d instant, a sense of duty compels me to solicit such information on the subject as the urgency of the case demands; and I am persuaded that no unnecessary delay will disappoint my anxious desire for as early information as circumstances will admit.

With respect, &c. H. DEARBORN.

His Exc'y CALEB STRONG, &c.

BOSTON, *June* 26, 1812.

SIR: I have received your letter, of this day, in which you request information of the measures which have been taken for calling the militia into the service of the United States.

I find that Governor Gerry, on the 25th April last, ordered that ten thousand men should be detached from the militia of this State; but, I am informed by the Adjutent General, that the returns of those detachments have not come to hand, except in a very few instances.

I am, sir, with great respect, your most obedient servant,

CALEB STRONG.

To Major General DEARBORN.

WAR DEPARTMENT, *July* 21, 1812.

SIR: By information received from Major General Dearborn, it appears that the detachments from the militia of Massachusetts, for the defence of the maritime frontier, required by him under the authority of the President, by virtue of the act of the 10th of April, 1812, have not been marched to the several stations assigned them.

Inasmuch as longer delay may be followed with distress to a certain portion of our fellow-citizens, and with injurious consequences to our country, I am commanded, by the President, to inform your Excellency, that this arrangement of the militia was preparatory to the march of the regular troops to the Northern frontier. The exigencies of the service have required, and orders have accordingly been given to Major General Dearborn, to move the regular troops to that frontier, leaving a sufficient number to man the guns in the garrisons on the seaboard. The execution of this order increases, as your Excellency cannot fail to observe, the necessity of hastening the detached militia to their several posts, as assigned by General Dearborn, in which case, they will, of course, be considered in the actual service and pay of the United States.

The danger of invasion, which existed at the time of issuing the order of the President, increases, and I am specially directed by the President to urge the consideration to your Excellency, as requiring the necessary order to be given for the immediate march of the several detachments specified by General Dearborn, to their respective posts. I have the honor to be, &c.

W. EUSTIS.

His Exc'y CALEB STRONG,
GOVERNOR *of Massachusetts.*

BOSTON, *August* 5, 1812.

I received your letter of the 21st July, when at Northampton, and the next day came to Boston. The people of this State appear to be under no apprehension of an invasion; several towns, indeed, on the seacoast, soon after the declaration of war, applied to the Governor and Council for arms and ammunition, similar to the articles of that kind which had been delivered to them by the State, in the course of the last war; and, in

some instances, they were supplied accordingly. But they expressed no desire that any part of the militia should be called out for their defence, and, in some cases, we were assured such a measure would be disagreeable to them.

You observe, in your last letter, that the danger of invasion which existed at the time of issuing the order of the President, increases. It would be difficult to infer from this expression, that, in your opinion, that danger is now very considerable, as the President's order must have been issued before war was declared, your former letter being dated the 12th of June, and General Dearborn's, who was then at Boston, on the 22d of that month; besides, it can hardly be supposed that, if this State had been in great danger of invasion, the troops would have been called from hence to carry on offensive operations in a distant Province. However, as it was understood that the Governor of Nova Scotia had, by proclamation, forbid any incursions or depredations upon our territories, and as an opinion generally prevailed that the Governor had no authority to call the militia into actual service, unless one of the exigencies contemplated by the Constitution exists, I thought it expedient to call the Council together, and, having laid before them your letter, and those I had received from General Dearborn, I requested their advice on the subject of them.

The Council advised, that they are unable, from a view of the Constitution of the United States, and the letters aforesaid, to perceive that any exigency exists, which can render it advisable to comply with the said requisition. But as, upon important questions of law, and upon solemn occasions, the Governor and Council have authority to require the opinion of the Justices of the Supreme Judicial Court, it is advisable to request the opinion of the Supreme Court upon the following questions:

"1st. Whether the commanders-in-chief of the militia of the several States have a right to determine whether any of the exigencies contemplated by the Constitution of the United States exist, so as to require them to place the militia, or any part of it, in the service of the United States, at the request of the President, to be commanded by him, pursuant to acts of Congress?

"2d. Whether, when either of the exigencies exist, authorizing the employing of the militia in the service of the United States, the militia thus employed can be lawfully commanded by any officer but of the militia, except by the President of the United States?"

I enclose a copy of the answers given by the judges to these questions. Since the Council were called, a person deputed by the towns of Eastport and Robinston, on our Eastern boundary, at Passamaquoddy, applied to me, representing that they had no apprehensions of invasion by an authorized British force, but that there were many lawless people on the borders from whom they were in danger of predatory incursions, and requesting that they might be furnished with some arms and ammunition, and hat three companies of militia might be called out for their protection. The Council advised that they should be supplied with such arms and ammunition as were necessary for their present defence, which has been ordered. They also advised me to call into the service of the United States three companies of the detached militia, for the purposes above mentioned. I have this day issued an order for calling out three companies of the detached militia, to be marched, forthwith, to Passamaquoddy, and to be commanded by a major. Two of the companies will be stationed at Eastport, and one company at Robinston, until the President shall otherwise direct.

I have no intention officiously to interfere in the measures of the General Government, but if the President was fully acquainted with the situation of this State, I think he would have no wish to call our militia into service in the manner proposed by General Dearborn.

It is well known that the enemy will find it difficult to spare troops sufficient for the defence of their own territory, and predatory incursions are not likely to take place in this State: for, at every point, except Passamaquoddy, which can present no object to those incursions, the people are too numerous to be attacked by such parties as generally engage in expeditions of that kind.

General Dearborn proposed that the detached militia should be stationed at only a few of the ports and places on the coast; from the rest, a part of their militia were to be called away. This circumstance would increase their danger; it would invite the aggressions of the enemy, and diminish their power of resistance.

The whole coast of Cape Cod is exposed, as much as any part of the State, to depredations; part of the militia must, according to this detaching order, be marched from their homes; and yet, no place in the old colony of Plymouth is assigned to be the rendezvous of any of the detached militia.

Every harbor or port within the State has a compact settlement, and, generally, the country around the harbors is populous. The places contemplated in General Dearborn's specification, as the rendezvous of the detached militia, excepting in one or two instances, contain more of the militia than the portion of the detached militia assigned to them. The militia are well organized, and would undoubtedly prefer to defend their firesides, in company with their friends, under their own officers, rather than to be marched to some distant place, while strangers might be introduced to take their places at home.

In Boston, the militia are well disciplined, and could be mustered in an hour upon any signal of an approaching enemy, and in six hours the neighboring towns would pour in a greater force than any invading enemy will bring against it.

The same remark applies to Salem, Marblehead, and Newburyport, places whose harbors render an invasion next to impossible. In all of them, there are, in addition to the common militia, independent corps of infantry and artillery, well disciplined and equipped, and ready, both in disposition and means, to repair to any place

where invasion may be threatened, and able to repel it, except it should be made by a fleet of heavy ships, against which nothing perhaps but strong fortifications, garrisoned by regular troops, would prove any defence, until the enemy should land, when the entire militia would be prepared to meet them.

Kennebunk is unassailable by anything but boats, which the numerous armed population is competent to resist. Portland has a militia, and independent corps, sufficiently numerous for its defence; and the same is the case with Wiscasset and Castine.

Against predatory incursions, the militia of each place would be able to defend their property, and, in a very short time, they would be aided, if necessary, by the militia of the surrounding country. In case of a more serious invasion, whole brigades or divisions could be collected, reasonably, for defence. Indeed, considering the state of the militia in this Commonwealth, I think there can be no doubt that, detaching a part of it, and distributing it into small portions, will tend to impair the defensive power.

I have thus freely expressed to you my own sentiments, and, so far as I have heard, they are the sentiments of the best informed men. I am fully disposed to afford all the aid to the measures of the National Government which the Constitution requires of me; but I presume it will not be expected, or desired, that I shall fail in the duty which I owe to the people of this State, who have confided their interests to my care.

I am, sir, &c. CALEB STRONG.

Hon. W. EUSTIS, *Secretary of War.*

To his Excellency the Governor, and the honorable the Council of the Commonwealth of Massachusetts.

The undersigned, Justices of the Supreme Judicial Court, have considered the questions proposed by your Excellency and Honors for their opinion.

By the Constitution of this State, the authority of commanding the militia of the Commonwealth is vested exclusively in the Governor, who has all the powers incident to the office of Commander-in-Chief, and is to exercise them personally, or by subordinate officers under his command, agreeably to the rules and regulations of the Constitution and the laws of the land.

While the Governor of the Commonwealth remained in the exercise of these powers, the Federal Constitution was ratified, by which was vested in the Congress a power to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to provide for governing such parts of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers.

The Federal Constitution further provides that the President shall be Commander-in-Chief of the Army of the United States, and of the militia of the several States, when called into the actual service of the United States.

On the construction of the Federal and State Constitutions must depend the answers to the several questions proposed. As the militia of the several States may be employed in the service of the United States, for the three specific purposes of executing the laws of the Union, of suppressing insurrections, and of repelling invasions, the opinion of the judges is requested whether the commanders-in-chief of the militia of the several States have a right to determine whether any of the exigencies aforesaid exist, so as to require them to place the militia, or any part of it, in the service of the United States, at the request of the President, to be commanded by him pursuant to acts of Congress.

It is the opinion of the undersigned that this right is vested in the commanders-in-chief of the militia of the several States.

The Federal Constitution provides that, whenever either of these exigencies exists, the militia may be employed, pursuant to some act of Congress, in the service of the United States; but no power is given, either to the President, or to the Congress, to determine that either of the said exigencies do in fact exist. As this power is not delegated to the United States, by the Federal Constitution, nor prohibited by it, to the States, it is reserved to the States, respectively; and, from the nature of the power, it must be exercised by those with whom the States have, respectively, intrusted the chief command of the militia.

It is the duty of these commanders to execute this important trust agreeably to the laws of their several States, respectively, without reference to the laws, or officers, of the United States, in all cases except those specially provided in the Federal Constitution. They must, therefore, determine when either of the special cases exist obliging them to relinquish the execution of this trust, and to render themselves, and the militia, subject to the command of the President. A different construction, giving to Congress the right to determine when these special cases exist, authorizing them to call forth the whole of the militia, and taking them from the commanders-in-chief of the several States, and subjecting them to the command of the President, would place all the militia, in effect, at the will of Congress, and produce a military consolidation of the States, without any Constitutional remedy, against the intentions of the people when ratifying the Constitution. Indeed, since passing the act of Congress, of February 28th, 1795, c. 101, vesting in the President the power of calling forth the militia, when the exigencies mentioned in the Constitution shall exist, if the President has the power of determining when those exigencies exist, the militia of the several States is in effect at his command and subject to his control.

No inconveniences can reasonably be presumed to result from the construction, which vests in the commanders-in-chief of the militia of the several States, the right of determining when the exigencies exist, obliging them to place the militia in the service of the United States. These

exigencies are of such a nature that the existence of them can be easily ascertained by, or made known to, the commander-in-chief of the militia, and when ascertained, the public interest will produce prompt obedience to the acts of Congress.

Another question proposed to the consideration of the judges, is, whether, when either of the exigencies exist authorizing the employing of the militia in the service of the United States, the militia thus employed can be lawfully commanded by any officer but of the militia, except by the President of the United States?

The Federal Constitution declares that the President shall be Commander-in-Chief of the Army of the United States. He may undoubtedly exercise this command by officers of the Army of the United States, by him commissioned according to law. The President is also declared to be the Commander-in-Chief of the militia of the several States, when called into the actual service of the United States. The officers of the militia are to be appointed by the States, and the President may exercise his command of the militia by officers of the militia duly appointed.

But we know of no Constitutional provision authorizing any officer of the Army of the United States to command the militia, or authorizing any officer of the militia to command the Army of the United States. The Congress may provide laws for the government of the militia, when in actual service, but to extend this power to the placing them under the command of an officer not of the militia, except the President, would render nugatory the provision, that the militia are to have officers appointed by the States.

The union of the militia in the actual service of the United States with troops of the United States, so far as to form one army, seems to be a case not provided for, or contemplated, in the Constitution. It is, therefore, not within our department to determine on whom the command would devolve, on such an emergency, in the absence of the President; whether one officer, either of the militia, or of the Army of the United States, to be settled according to military rank, should command the whole; whether the corps must be commanded by their respective officers, acting in concert as allied forces; or what other expedient should be adopted, are questions to be answered by others.

The undersigned regret that the distance of the other Justices of the Supreme Judicial Court renders it impracticable to obtain their opinions, seasonably, upon the questions submitted.

THEOPHILUS PARSONS,
SAMUEL SEWALL,
ISAAC PARKER.

BOSTON, *August* 21, 1812.

SIR: I mentioned in my letter to you of the 5th of August, that I had that day issued an order for calling out three companies of the detached militia, to be marched immediately to Passamaquoddy, for the defence of that frontier, and to be commanded by a major. In my instructions to Major General Sewall, to be communicated to the major to be designated by him, I directed that two of the companies should be stationed at Eastport, and one company at Robinston, until the President should direct otherwise, unless, in the mean time, the major, with the advice of Brigadier General Brewer, who lives at Robinston, and to whom I wrote on the subject, should think a different disposition of the companies would be more advantageous.

I have this day received a letter from General Sewall, dated the 17th instant, in which he says that he had designated the detached company in the neighborhood of Eastport, under the command of Captain Thomas Vose, junior, of Robinston. The detached company in the interior neighborhood of Penobscot river, under the command of Captain Joshua Chamberlain, of Orrington, and the detached company in the same neighborhood, under the command of Captain Thomas George, of Brewer, to form a battalion, to be commanded by Major Nathan Low, of Deer Isle, and directed them to march immediately to Eastport, and that they would probably march the next day. I shall immediately write to Major Low, and direct him to conform to the above instructions, in disposing of the companies, until the President of the United States shall otherwise direct.

I am, sir, with respect,

CALEB STRONG.

Hon. WM. EUSTIS, *Secretary of War.*

NORTHAMPTON, *Sept.* 10, 1812.

SIR: I received this morning a letter from Major General Sewall, dated the first of this month, in which he mentioned that the detached troops, from the neighborhood of Penobscot, had marched to Eastport, five or six days before that time, with their adjutant and quartermaster, but that Major Low, who was appointed to command them, had been released from that service on account of bodily infirmity, and that Major Jacob Ulmer, of Lincolnville, was appointed in his room, and had been notified to proceed immediately to Eastport.

General Sewall observes that application had been made to him for the appointment of a commissary and surgeon, for the post at Eastport, and if those appointments, or either of them, are thought necessary, he proposes Mr. Chevy, an officer of the artillery, for the former, and Doctor Bastow, a surgeon in the militia, for the latter, both inhabitants of Eastport.

I am, sir, with sentiments of respect, your most obedient servant,

CALEB STRONG.

Hon. WM. EUSTIS, *Secretary of War.*

LYME, *April* 20, 1812.

SIR: I had the honor this morning to receive your letter of the 15th instant, containing the directions of the President of the United States for detaching three thousand of the militia of

this State, agreeably to the provisions of the act of Congress of the 10th instant. The act itself has not been received, and it will be very satisfactory to me to receive a copy of it by the next mail from your department. In the meantime every preparation will be made for detaching the officers and men, agreeably to the directions already received. I have the honor to be, &c.

ROGER GRISWOLD.

Hon. SECRETARY OF WAR.

WAR DEPARTMENT, *June* 12, 1812.

SIR: I am directed by the President to request your Excellency to order into the service of the United States, on the requisition of Major General Dearborn, such part of the quota of militia from the State of Connecticut, detached conformably to the act of April 10, 1812, as he may deem necessary for the defence of the seacoast.

I have the honor to be, &c.

W. EUSTIS.

His Ex'cy ROGER GRISWOLD,
Governor of Connecticut.

LYME, *June* 17, 1812.

SIR: I have had the honor this afternoon to receive your letter of the 12th instant, communicating to me the request of the President that I would order into the service of the United States, on the requisition of Major General Dearborn, such part of the quota of militia from the State of Connecticut, detached conformably to the act of Congress of April 10th, 1812, as he may deem necessary for the defence of the seacoast.

In obedience to which request, I shall, on the requisition of General Dearborn, execute without delay the request of the President.

With great respect, I have the honor to be, your obedient servant.

ROGER GRISWOLD.

Hon. WM. EUSTIS, *Secretary of War.*

SHARON, (CT.,) *July* 2, 1812.

SIR: His Excellency Governor Griswold has received from Major General Henry Dearborn a letter, under date of the 22d of last month, requesting that five companies of the militia of this State, detached conformably to the act of Congress of April 10, 1812, may be ordered into the service of the United States, to wit: "Two companies of artillery, and two companies of infantry, to be placed under the command of the commanding officer at Fort Trumbull, near New London, and one company of artillery, to be stationed at the battery at the entrance of the harbor of New Haven."

Impressed with the deep importance of the requisition, and the serious consideration it involves, his Excellency deemed it expedient to convene the Council at Hartford, on Monday the 29th ultimo. He has taken their advice upon this interesting subject, and has formed his own deliberate opinion; but, as he is under the necessity of leaving the State, on a journey for the recovery of his health, it becomes my duty, as Lieutenant Governor, to communicate to you the result.

The assurance contained in the Governor's letter of the 17th of June last, in answer to yours of the 12th of the same month, was necessarily given in full confidence that no demand would be made through General Dearborn, but in strict conformity to the Constitution and laws of the United States. His Excellency regrets to perceive that the present requisition is supported by neither.

The Constitution of the United States has ordained that Congress may provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

Accordingly, the acts of Congress of February, 1795, and of April, 1812, do provide for calling forth the militia in the exigencies above mentioned. The Governor is not informed of any declaration made by the President of the United States, or of notice by him given, that the militia are required "to execute the laws of the Union, suppress insurrections, or repel invasions." As, therefore, none of the contingencies enumerated in the Constitution, and recognised by the laws, are shown to have taken place, his Excellency considers that, under existing circumstances, no portion of the militia of this State can be withdrawn from his authority. Further, if the call had been justified by either of the Constitutional exigencies already recited, still, in the view of his Excellency, an insuperable objection presents itself against placing the men under the immediate command of an officer or officers of the army of the United States.

The appointment of the officers of the militia is by the Constitution expressly reserved "to the States respectively." In the event of their being called into the actual service of the United States, in the case above specified, the laws of the United States provide for their being called forth as militia, furnished with proper officers by the State. And, sir, it will not escape your notice, that the detachment from the militia of this State, under the act of Congress of the 10th of April last, is regularly organized into a division, consisting of brigades, regiments, battalions, and companies, and supplied according to law with all the necessary officers. His Excellency conceives, then, that an order to detach a number of companies sufficient for the command of a battalion officer, and place them under the command of an officer of the United States, cannot, with propriety, be executed, unless he were also prepared to admit that the privates may be separated from their company officers, and transferred into the Army of the United States; thus leaving the officers of the militia without any command, except in name; and in effect impairing, if not annihilating, the militia itself, so sacredly guarantied by the Constitution to the several States. Under these impressions, the Governor has thought proper, by and with the advice of the Council, to refuse a compliance with the requisition of Major General Dearborn.

His Excellency is sincerely disposed to comply promptly with all the Constitutional requests of the National Executive; a disposition which has ever been manifested by the Government of this State; and he laments the occasion which thus compels him to yield obedience to the paramount authority of the Constitution and laws. He trusts the General Government will speedily provide an adequate force for the security and protection of the seacoast. In the meantime, his Excellency has issued the necessary orders to the general officers commanding the militia in that quarter to be in readiness to repel any invasion which may be attempted upon that portion of the State, and to co-operate with such part of the national forces as shall be employed for the same purpose.

With great respect, I have the honor to be, sir, your obedient and very humble servant,

JOHN COTTON SMITH.

Hon. Wm. Eustis, *Secretary of War.*

War Department, *July* 14, 1812.

Sir: I have the honor to acknowledge your letter of the third instant.

The absence of His Excellency, Governor Griswold, on account of ill health, is seriously to be regretted, particularly at this important crisis, when his prompt assurances of obeying the requisition of the President, to call into the service of the United States such detachments of militia as might be required, conformably to the act of April 10, 1812, through General Dearborn, are intercepted and suspended by your Honor.

The reasons assigned for refusing to execute the engagements of his Excellency, Governor Griswold, appear not less extraordinary than the act itself.

After a declaration of war against a nation possessed of a powerful and numerous fleet, a part of which were actually on our coast, had been promulgated, and officially communicated to the Executive of the State, the assertion made by your Honor, "that the Governor is not informed that the United States are in imminent danger of invasion," was not to have been expected. To remove all doubts from your mind on this subject, I am instructed by the President to state to you, that such danger actually exists; and to request that the requisition of General Dearborn, made by his special authority, for calling into the service of the United States certain detachments of militia from the State of Connecticut, be forthwith carried into effect.

The right of the State to officer the militia is clearly recognised in the requisition of General Dearborn. The detachments, when marched to the several posts assigned them, with their proper officers, appointed conformably to the laws of the State, will command, or be commanded, according to the rules and articles of war and the usages of service. Very respectfully, &c.

W. EUSTIS.

His Honor John C. Smith,
Governor of Connecticut.

Lyme, *August* 13, 1812.

Sir: His Honor Governor Smith has put into my hands your letter of the 14th of July, and it is with surprise I notice the construction you have put on my letter of the 17th of June. The unusual and exceptionable terms, also, in which your letter is expressed, have not escaped notice. But a regard to the propriety of my own conduct will not allow me to descend to any comments upon its particular expressions, but leave me to perform my duty to the General Government by giving the explanation which appears proper.

When you communicated the request of the President that any future requisition from General Dearborn for a part of the draughted militia might be complied with, it remained uncertain whether such a requirement would be made, or if made, under what circumstances it might take place.

Confident, however, that the President would authorize no requisition which was not strictly Constitutional, and particularly that the order would not exceed the conditions of the act of the 10th of April, to which you had referred, I had no hesitation in giving general assurance that the requisitions which the President might make through General Dearborn would be complied with. I then thought, as I do still, that decency and a due respect to the first Magistrate of the Union, required that my assurance should be general, and no expression should be used which might imply a suspicion that the President would violate the Constitution in his orders. I also expected that this early and general declaration would be considered as evidence of a disposition which has been uniformly felt in this State, to execute every Constitutional requisition from the General Government.

In what light, however, my expressions have been viewed, I trust there will be no future misconstruction, when I assure you that I neither intended or expected to be understood, by the general language of my letter, or any expression it contained, to give the smallest assurance that I would execute any order which I judged repugnant to the Constitution, from whatever source it might emanate.

The light in which I have viewed the order from General Dearborn has been already communicated by Governor Smith, and it is only proper to add that my opinion has not changed, but is confirmed by the unanimous opinions of the Council of the State.

The new light in which you have presented the subject in your letter to Governor Smith has received every attention, but still my opinion remains the same. The war, which has commenced, and the cruising of a hostile fleet on our coast, is not invasion; and the declaration of the President, that there is imminent danger of invasion, is evidently a consequence drawn from the facts now disclosed, and is not, in my opinion, warranted by those facts. If such consequences were admitted to result from a declaration of war with an European Power, it would follow that every war of that character would throw the

militia into the hands of the National Government, and strip the States of the important right reserved to them. In addition to the foregoing facts, it is proper for me further to observe, that I have found it difficult to fix in my mind the meaning of the words "imminent danger of invasion," used by Congress in the act of the 28th of February, 1795, and now repeated in your letter, as no such expression is contained in that part of the Constitution which authorizes the President to call the militia into service. Presuming, however, that some definite meaning, thought consistent with the Constitution, was at the time annexed to the expression, I have rather inferred that the Legislature must have intended only to include an extreme case, where an enemy had not passed the line of the United States, but were evidently advancing in force to invade our country. Such a case would undoubtedly come within the spirit of the Constitution, although it might not be included in its literal expression.

But whether the Congress in 1795 were justified in the expression, or not, is unimportant, there being no difficulty in the present case, as none of the facts disclosed furnish anything more than a slight danger of invasion, which the Constitution could not contemplate, and which might exist even in times of peace.

While I regret this difference of opinion on a question of such importance, I do not doubt that the President will do me the justice to believe that a sense of duty leaves me no other course to pursue, and that every means for the defence of the State will be speedily provided for.

I have the honor to be your most obedient and humble servant,

ROGER GRISWOLD.

Hon. William Eustis, &c.

PUBLIC ACTS OF CONGRESS;

PASSED AT THE SECOND SESSION OF THE TWELFTH CONGRESS, BEGUN AND HELD AT THE CITY OF WASHINGTON, NOVEMBER 2, 1812.

An Act to authorize the transportation of certain documents free of postage.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the members of Congress, the Secretary of the Senate, and the Clerk of the House of Representatives, be, and they are hereby, respectively authorized to transmit, free of postage, the Message of the President of the United States, of the fourth of November, one thousand eight hundred and twelve, and the documents accompanying the same, printed by order of the Senate, and by order of the House of Representatives, to any post office within the United States, and Territories thereof, to which they may direct; any law to the contrary notwithstanding.

H. CLAY,
Speaker of the House of Representatives.
WM. H. CRAWFORD,
President pro tempore of the Senate.
Approved, November 12, 1812.
JAMES MADISON.

An Act further to prolong the continuance of the Mint at Philadelphia.

Be it enacted, &c., That the act, entitled "An act concerning the Mint," approved March the third, one thousand eight hundred and one, is hereby revived and continued in force and operation, for the further term of five years, after the fourth day of March, one thousand eight hundred and thirteen.

Approved, December 2, 1812.

An Act making an appropriation to defray expenses incurred, or to be incurred, under an act, entitled "An act to authorize a detachment from the militia of the United States;" and the act entitled "An act for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for those purposes," passed the twenty-eighth day of February, one thousand seven hundred and ninety-five.

Be it enacted, &c., That the sum of one million of dollars be, and the same is hereby, appropriated towards defraying any expense incurred, or to be incurred, under an act, entitled "An act to authorize a detachment from the militia of the United States," passed the tenth day of April, one thousand eight hundred and twelve; and, also, under an act, entitled "An act for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for those purposes," passed the twenty-eighth day of February, one thousand seven hundred and ninety-five," to be paid out of any moneys in the Treasury not otherwise appropriated.

Approved, December 12, 1812.

An Act increasing the pay of non-commissioned officers, musicians, privates, and others of the Army, and for other purposes.

Be it enacted, &c., That, from and after the thirty-first day of December, one thousand eight hundred and twelve, the monthly pay of the non-commissioned officers, musicians, privates, drivers, bombardiers, matrosses, sappers, miners, artificers, saddlers, farriers, and blacksmiths, who have enlisted, or shall hereafter enlist in the service of the United States, shall, during the continuance of the war between the United States of America and their Territories, and the United Kingdom of Great Britain and Ireland and the dependencies thereof, be as follows, to wit: To each sergeant major and quartermarter sergeant, twelve dollars; to each sergeant and principal musician, eleven dollars; to each corporal, ten dollars; to each musician, nine dollars; to each private, driver, bombardier, matross, sapper, and miner, eight dollars; to each artificer, saddler, farrier, and blacksmith, not attached to the quartermaster general's and ordnance department, thirteen dollars.

SEC. 2. *And be it further enacted*, That, during the continuance of the war with Great Britain, no non-commissioned officer, musician, private, driver, bombardier, matross, sapper, miner, artificer, saddler, farrier, or blacksmith, enlisted in the service of the United States, during his continuance in service, shall be arrested, or subject to arrest, or to be taken in execution for any debt contracted before or after enlistment.

SEC. 2. *And be it further enacted*, That every non-commissioned officer, musician, and private, who shall, after the promulgation of this act, be recruited in the regular Army of the United States, may, at his option, to be made at the time of enlistment, engage to serve during the present war with Great Britain, instead of the term of five years; and shall, in case he makes such option, be entitled to the same bounty in money and land, and to all other allowances, and

be subject to the same rules and regulations, as if he had enlisted for the term of five years.

Approved, December 12, 1812.

An Act concerning the District and Territorial Judges of the United States.

Be it enacted, &c., That, hereafter, it shall be incumbent upon the district and territorial judges of the United States, to reside within the districts and territories, respectively, for which they are appointed; and that it shall not be lawful for any judge, appointed under the authority of the United States, to exercise the profession or employment of counsel or attorney, or to be engaged in the practice of the law. And any person offending against the injunction or prohibition of this act, shall be deemed guilty of a high misdemeanor.

Approved, December 18, 1812.

An Act to increase the Navy of the United States.

Be it enacted, &c., That the President of the United States shall be, and he hereby is, authorized, as soon as suitable materials can be procured therefor, to cause to be built, equipped, and employed, four ships, to rate not less than seventy-four guns, and six ships to rate forty-four guns each.

Sec. 2. *And be it further enacted*, That there shall be employed on board each of the said ships of seventy-four guns each, one captain, six lieutenants, one captain, one first lieutenant and one second lieutenant of marines, one surgeon, one chaplain, one purser, and three surgeons' mates.

Sec. 3. *And be it further enacted*, That there shall be employed in each of the said ships, carrying seventy-four guns, the following warrant officers, who shall be appointed by the President of the United States: one master, one second master, three masters' mates, one boatswain, one gunner, one carpenter, one sailmaker, and twenty midshipmen; and the following petty officers, who shall be appointed by the captains of the ships, respectively, in which they are to be employed, viz: one armorer, six boatswains' mates, three gunners' mates, two carpenters' mates, one sailmaker's mate, one cooper, one steward, one master at arms, one cook, one coxswain, one boatswain's yeoman, one gunner's yeoman, one carpenter's yeoman, ten quarter gunners, eight quartermasters, and one clerk, and one schoolmaster, also to be appointed by the captain.

Sec. 4. *And be it further enacted*, That the crews of each of the said ships of seventy-four guns, shall consist of two hundred able seamen, three hundred ordinary seamen and boys, three sergeants, three corporals, one drummer, one fifer, and sixty marines.

Sec. 5. *And be it further enacted*, That the pay of the schoolmaster shall be twenty-five dollars per month and two rations per day.

Sec. 6. *And be it further enacted*, That the sum of two millions five hundred thousand dollars be and the same is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the building and equipping of the aforesaid ships of war.

Approved, January 2, 1813.

An Act directing the Secretary of the Treasury to remit fines, forfeitures, and penalties, in certain cases.

Be it enacted, &c., That in all cases where goods, wares, and merchandise, owned by a citizen or citizens of the United States, have been imported into the United States from the United Kingdom of Great Britain and Ireland, which goods, wares, and merchandise, were shipped on board vessels which departed therefrom between the twenty-third day of June last, and the fifteenth day of September last, and the person or persons interested in such goods, wares, or merchandise, or concerned in the importation thereof have thereby incurred any fine, penalty, and forfeiture, under an act, entitled "An act to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes," and an act, entitled "An act concerning the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes," and the act supplementary to the act last mentioned, on such person or persons petitioning for relief, to any judge or court proper to hear the same, in pursuance of the provisions of the act, entitled "An act to provide for mitigating or remitting the fines, forfeitures, and penalties, in certain cases therein mentioned," and on the facts being shown, on inquiry had by said judge or court, stated and transmitted, as by said act is required, to the Secretary of the Treasury; in all such cases wherein it shall be proved to his satisfaction that said goods, wares, and merchandise, at the time of their shipment, were *bona fide* owned by a citizen or citizens of the United States, and shipped and did depart from some port or place in the United Kingdom of Great Britain and Ireland owned as aforesaid, between the twenty-third day of June last, and the fifteenth day of September last, the Secretary of the Treasury is hereby directed to remit all fines, penalties, and forfeitures, that may have been incurred under the said acts, in consequence of such shipment, importation, or importations, upon the costs and charges that have arisen or may arise being paid, and on payment of the duties which would have been payable by law on such goods, wares, and merchandise, if legally imported; and, also, to direct the prosecution or prosecutions, if any shall have been instituted for the recovery thereof, to cease and be discontinued: *Provided, nevertheless*, That no case in which the purchase of such goods, wares, and merchandise was made, after war was known to exist between the United States and Great Britain, at the port or place where such purchase was made, shall be entitled to the benefits of this act.

Approved, January 2, 1813.

An Act approving of the report of the Commissioners appointed by the Secretary at War, to ascertain and settle the exterior line of the public land at West Point, in the State of New York.

Be it enacted, &c., That the report of the commissioners appointed by the Secretary at War to settle the exterior line of the public land at West Point, in the State of New York, with the adjoining proprietor, conformably to an act to authorize the Secretary at War to ascertain and settle, by the appointment of commissioners, the exterior line of the public land at West Point with the adjoining proprietor, be and the same is hereby approved.

Approved, January 5, 1813.

An Act authorizing the President of the United States to establish post routes, in certain cases.

Be it enacted, &c., That the President of the United States, during the existence of the war in which the United States are engaged, or of any war in which they may be engaged, shall be and is hereby authorized to direct the Postmaster General to send a mail between the headquarters of any army of the United States, and such post office as he may think proper; and the route or road on which the same shall be conveyed shall, to all intents and purposes, be an established post road, so long as the mail shall be sent on the same, conformably to the authority hereby given.

Approved, January 14, 1813.

An Act providing Navy Pensions, in certain cases.

Be it enacted, &c., That if any officer of the navy or marines shall be killed or die, by reason of a wound received in the line of his duty, leaving a widow, or, if no widow, a child or children, under sixteen years of age, such widow, or, if no widow, such child or children, shall be entitled to receive half the monthly pay to which the deceased was entitled at the time of his death, which allowance shall continue for and during the term of five years; but in case of the death or intermarriage of such widow, before the expiration of the said term of five years, the half pay for the remainder shall go to the child or children of the said deceased officer: *Provided*, That such half pay shall cease on the death of such child or children; and the money required for this purpose shall be paid out of the navy pension fund, under the direction of the commissioners of that fund.

Approved, Jnnuary 20, 1813.

An Act making certain partial appropriations for the year one thousand eight hundred and thirteen.

Be it enacted, &c., That the sum of one million of dollars be, and the same is hereby, appropriated towards defraying the expenses of the Military Establishment of the United States, during the year one thousand eight hundred and thirteen; and that the sum of one million of dollars be, and the same is hereby, appropriated towards defraying the expenses of the Navy during the year one thousand eight hundred and thirteen.

Sec. 2. *And be it further enacted*, That the following sums be appropriated for the purposes herein recited, that is to say: Towards defraying the compensation granted by law to the members of the Senate and House of Representatives, their officers and attendants, during the year one thousand eight hundred and thirteen, fifty thousand dollars.

Towards defraying the contingent expenses of the House of Representatives, during the year one thousand eight hundred and thirteen, ten thousand dollars.

Sec. 3. *And be it further enacted*, That the several appropriations, hereinbefore made, shall be paid and discharged out of any moneys in the Treasury, not otherwise appropriated.

Approved, January 20, 1813.

An Act supplementary to the act, entitled "An act for the more perfect organization of the Army of the United States."

Be it enacted, &c., That the President of the United States be and he is hereby authorized, by and with the advice and consent of the Senate, to appoint one additional major to the first regiment of light dragoons, the regiment of light artillery, each regiment of infantry, and the rifle regiment, in the army of the United States; who shall receive the like pay, rations, forage, and other emoluments, as officers of the same grade and corps of the present military establishment.

Sec. 2. *And be it further enacted*, That there be appointed, in manner aforesaid, one third lieutenant to each troop or company, in the army of the United States, who, if of cavalry or light dragoons, shall receive the monthly pay of thirty dollars, and of other corps, twenty-three dollars, and be allowed the same forage, rations, and other emoluments, as second lieutenants of the same corps to which they belong.

Sec. 3. *And be it further enacted*, That there be allowed to each troop or company, in the army of the United States, one additional sergeant, who shall receive the like pay, clothing, rations, and other emoluments, as sergeants of the present military establishment.

Sec. 4. *And be it further enacted*, That in order to complete the present military establishment to the full number authorized by law, with the greatest possible despatch, there shall be paid to each effective able-bodied man, who shall be duly enlisted into the service of the United States, after the first day of February next, to serve for the term of five years, or during the war, an advance of twenty-four dollars, on account of his pay, in addition to the existing bounty; one half of such advance to be paid at the enlistment of the recruit, and the other half when he shall be mustered and have joined some military corps of the United States, for service; and a bounty of one hundred and sixty acres of land, as heretofore established by law.

Sec. 5. *And be it further enacted*, That the commissioned officers who shall be employed in the recruiting service, shall be entitled to receive for every effective able-bodied man, who shall be duly enlisted after the first day of February next, by them, for the term of five years or during the war, and mustered, and between the ages of eighteen and forty-five years, the sum of four dollars: *Provided nevertheless*, That this regulation, so far as respects the age of the recruit, shall not extend to musicians, or to those soldiers who may re-enlist into the service: *And provided also*, That no person under the age of twenty-one years shall be enlisted by any officer, or held in the service of the United States, without the consent, in writing, of his parent, guardian, or master, first had and obtained, if any he have; and if any officer shall enlist any person contrary to the true intent and meaning of this act, for every such offence he shall forfeit and pay the amount of the bounty and clothing which the person so recruited may have received from the public, to be deducted out of the pay and emoluments of such officer.

Sec. 6. *And be it further enacted*, That it shall be lawful for any person during the time he may be performing a tour of militia duty to enlist in the regular army of the United States, and the recruiting officers are hereby authorized to enlist any such person, in the same manner, and under the same regulations, as if he were not performing such militia duty; and every person who shall enlist, while performing a tour of militia duty as aforesaid, shall be thereby exonerated from serving the remainder of said tour; and the State to which he may belong shall not be required to furnish any other person to serve in his stead.

Approved, January 20, 1813.

An Act in addition to the act concerning Letters of Marque, Prizes, and Prize Goods.

Be it enacted, &c., That all prizes of vessels and property, captured by private armed ships, commissioned under the authority of the United States, which may be condemned in any district or circuit court of the United States, shall be sold at public auction, by the marshal of the district in which the same shall be condemned, within sixty days after the condemnation thereof; sufficient notice of the time and place, and conditions of sale, being first given, on such day or days, on such terms of credit, and in such lots or proportions as may be designated by the owner or owners, or agent of the owner or owners of the privateer which may have captured the same: *Provided*, That the term of such credit shall not exceed ninety days; and the said marshal is hereby directed to take and receive from the purchaser of such prize vessel and property the money therefor, or his, her, or their promissory notes, with endorsers, to be approved by the owner or owners of the privateer, to the amount of the purchase, payable according to the terms thereof.

Sec. 2. *And be it further enacted*, That upon all duties, costs, and charges, being paid according to law, the said marshal shall, on demand, deliver and pay over to the owner or owners of the privateer, or to the agent of such owner or owners of the privateer, which may have captured such prize vessel and property, a just and equal proportion of the funds received on account of the sale thereof, and of the promissory notes directed to be taken as aforesaid, to which the said owner or owners may be entitled, according to the articles of agreement between the said owner or owners, and the officers and crew of the said privateer; and a just and equal proportion of the proceeds of the sale as aforesaid, shall, on demand, be also paid over by the said marshal to the officers and crew of the said privateer, or to their agent or agents. And if there be no written agreement, it shall be the duty of the marshal to pay over, in manner as aforesaid, one moiety of the proceeds of the sale of such prize vessel and property to the owner or owners, agent or agents of the owner or owners of the privateer, which may have captured the same; and the other moiety of the said proceeds to the agent or agents of the officers and crew of the said privateer, to be distributed according to law, or to any agreement by them made: *Provided*, The said officers and crew, or their agent or agents, shall have first refunded to the owner or owners, or to the agent of the owner or owners of the privateer aforesaid, the full amount of advances which shall have been made by the owner or owners of the privateer, to the officers and crew thereof.

Sec. 3. *And be it further enacted*, That for the selling prize property, and receiving and paying over the proceeds as aforesaid, the marshal shall be entitled to a commission of one per cent. and no more, first deducting all duties, costs, and charges, which may have accrued on said property: *Provided*, That on no case of condemnation and sale of any one prize vessel and cargo shall the commissions of the marshal exceed two hundred and fifty dollars.

Sec. 4. *And be it further enacted*, That it shall be the duty of the marshal, within fifteen days after any sale of prize property, to file in the office of the clerk of the district court, of the district wherein such sale may be made, a just and true account of the sales of such prize property, and of all duties and charges thereon, together with a statement thereto annexed of the promissory notes taken on account thereof, which account shall be verified by the oath of the said marshal; and if the said marshal shall wilfully neglect, or refuse to file such account, he shall forfeit and pay the sum of five hundred dollars for each omission or refusal as aforesaid, to be recovered in an action of debt by any person interested in such sale, and suing for the said penalty, on account of the party or parties interested in the prize vessel or property sold as aforesaid, in any court having cognizance thereof.

Sec. 5. *And be it further enacted*, That the owner or owners of any private armed vessel or

vessels, or their agent or agents, may, at any time before a libel shall be filed against any captured vessel or her cargo, remove the same from any port into which such prize vessel or property may be first brought, to any other port in the United States, to be designated at the time of the removal as aforesaid, subject to the same restrictions and complying with the same regulations, with respect to the payment of duties, which are provided by law, in relation to other vessels arriving in port with cargoes subject to the payment of duties: *Provided*, That before such removal the said captured property shall not have been attached at the suit of any adverse claimant, or a claim against the same have been interposed in behalf of the United States.

Approved, January 27, 1813.

An Act authorizing the admission, under certain circumstances, of vessels owned by citizens of the United States of America, with their cargoes, from British ports beyond the Cape of Good Hope.

Be it enacted, &c., That in all cases where goods, wares, and merchandise, *bona fide* the property of a citizen or citizens of the United States, have been imported into the United States from British ports beyond the Cape of Good Hope, for the cargoes of which vessels bonds have been required at the port or place of shipment from, and have been given by the owners, agents, consignees, or supercargoes of such vessels, that the cargoes thereof shall be delivered or landed at some port or place in the United States; and the person or persons interested in such goods, wares, or merchandise, or concerned in the importation thereof, have incurred thereby any fine, penalty, and forfeiture, or have delivered the same into the possession or custody of the United States, on such person petitioning for relief to any judge or court proper to hear the same, in pursuance of the provisions of the act, entitled "An act to provide for mitigating and remitting the fines, forfeitures, and penalties, in certain cases therein mentioned;" and on the facts being shown, on inquiry had by said judge or court, stated and transmitted as by said act is required to the Secretary of the Treasury; in all such cases wherein it shall be proved to his satisfaction that said goods, wares, and merchandise, at the time of their shipment, were *bona fide* owned by a citizen or citizens of the United States, and for the landing or delivery of which at some port or place in the United States bonds were required and given as aforesaid, the Secretary of the Treasury is hereby directed to remit all fines, penalties, and forfeitures, which may have been incurred in consequence of such shipment, importation, or importations, to deliver up possession of the said vessels, goods, wares, and merchandise to the owner or owners thereof, upon the costs or charges that have arisen, or may arise, being paid, and the duties payable on such goods, wares, and merchandise, or which would have been payable if they had been legally imported, being paid or secured to be paid according to law, as if the same had been imported and entered at the time of the release thereof; and also to direct the prosecution or prosecutions, if any shall have been instituted for the recovery of such fines, penalties, and forfeitures, to cease and be discontinued: *Provided*, That nothing in this act contained shall extend or be construed to extend to a remission of or exemption from any fine, penalty, or forfeiture, which has been or may be incurred for a breach of any law or laws of the United States, other than such as prohibit the admission into the United States of goods, wares, and merchandise, imported as aforesaid.

Approved, January 27, 1813.

An Act in addition to the act, entitled "An act to raise an additional military force," and for other purposes.

Be it enacted, &c., That, in addition to the present Military Establishment of the United States, there be raised such number of regiments of infantry, not exceeding twenty, as in the opinion of the President may be necessary for the public service, to be enlisted for the term of one year, unless sooner discharged.

Sec. 2. *And be it further enacted*, That each of the said regiments shall consist of one colonel, one lieutenant colonel, two majors, one adjutant, one paymaster, one quartermaster, one surgeon, two surgeon's mates, one sergeant-major, one quartermaster-sergeant, two principal musicians, and ten companies.

Sec. 3. *And be it further enacted*, That each company shall consist of one captain, one first lieutenant, one second lieutenant, one third lieutenant one ensign, five sergeants, six corporals, two musicians, and ninety privates.

Sec. 4. *And be it further enacted*, That it shall be lawful for the President of the United States, in the recess of the Senate, to appoint such of the officers authorized by this act, as may not be appointed during the present session; which appointments shall be submitted to the Senate at their next session for their advice and consent.

Sec. 5. *And be it further enacted*, That all the officers, non-commissioned officers, musicians, and privates, authorized by this act, shall receive the like pay, forage, rations, clothing, and other emoluments (the land and bounty excepted) as the officers of the same grade and corps, non-commissioned officers, musicians, and privates, of the present Military Establishment.

Sec. 6. *And be it further enacted*, That the officers, non-commissioned officers, musicians, and privates, of the regiments hereby authorized to be raised, shall be governed by the rules and articles of war, which have been established by the United States in Congress assembled, or by such rules and articles as may be hereafter by law established.

Sec. 7. *And be it further enacted*, That the commissioned officers who shall be employed in recruiting the force authorized by this act, shall be entitled to receive, for every person enlisted by them into this service, for the term specified, and

approved by the commanding officer of the regiment, and between the ages of eighteen and forty-five years, the sum of two dollars: *Provided nevertheless,* That this regulation, so far as respects the age of the recruits, shall not extend to musicians, or those soldiers who may re-enlist into the service: *And provided also,* That no person, under the age of twenty-one years, shall be enlisted by any officer, or held in the service of the United States, without the consent, in writing, of his parent, guardian, or master, first had and obtained, if any he have; and if any officer shall enlist any person contrary to the true intent and meaning of this act, for every such offence he shall forfeit and pay the amount of the bounty and clothing, which the persons so recruited may have received from the public, to be deducted out of the pay and emoluments of such officer.

SEC. 8. *And be it further enacted,* That there shall be allowed and paid to each man, recruited as aforesaid, a bounty of sixteen dollars; but the payment of eight dollars of the said bounty shall be deferred until he shall be mustered, and have joined some military corps of the United States.

SEC. 9. *And be it further enacted,* That the said regiments shall be paid in such manner, that the arrears shall at no time exceed two months, unless the circumstances of the case shall render it unavoidable.

SEC. 10. *And be it further enacted,* That if any officer, non-commissioned officer, musician, or private, shall be disabled by wounds or otherwise, while in the line of his duty in public service, he shall be placed on the list of invalids of the United States, at such a rate of pension and under such regulations as are or may be directed by law: *Provided always,* That the compensation to be allowed for such wounds or disabilities, to a commissioned officer, shall not exceed, for the highest rate of disability, half the monthly pay of such officer, at the time of his being disabled or wounded; and that no officer shall receive more than the half pay of a lieutenant-colonel; and that the rate of compensation to non-commissioned officers, musicians, and privates, shall not exceed five dollars per month: *And provided also,* That all inferior disabilities shall entitle the person so disabled to receive an allowance proportionate to the highest disability.

SEC. 11. *And be it further enacted,* That if any commissioned officer shall, while in the service of the United States, die, by reason of any wound received in actual service of the United States, and leave a widow, or, if no widow, a child or children, under sixteen years of age, such widow, or, if no widow, such child or children, shall be entitled to and receive half the monthly pay to which the deceased was entitled at the time of his death, for and during the term of five years; but in case of the death or intermarriage of such widow, before the expiration of the said term of five years, the half pay for the remainder of the time shall go to the child or children of such deceased officer: *Provided always,* That such half pay shall cease on the decease of such child or children.

SEC. 12. *And be it further enacted,* That if any non-commissioned officer, musician, or private, shall desert the service of the United States, he shall, in addition to the penalties mentioned in the rules and articles of war, be liable to serve for and during such a period as shall, with the time he may have served previous to his desertion, amount to the full term of his enlistment; and such soldier shall and may be tried by a court martial, and punished, although the term of his enlistment may have elapsed previous to his being apprehended or tried.

SEC. 13. *And be it further enacted,* That every officer, non-commissioned officer, musician, or private, shall take and subscribe the following oath or affirmation, to wit: "I, A. B., do solemnly swear or affirm (as the case may be) that I will bear true faith and allegiance to the United States of America; and that I will serve them honestly and faithfully against their enemies or opposers whomsoever; and that I will observe and obey the orders of the President of the United States, and the orders of the officers appointed over me, according to the rules and articles of war."

SEC. 24. *And be it further enacted,* That where any commissioned officer shall be obliged to incur any extra expense in travelling and sitting on general courts martial, he shall be allowed a reasonable compensation for such extra expense, actually incurred, not exceeding one dollar and twenty-five cents per day to officers who are not entitled to forage, and not exceeding one dollar per day to such as shall be entitled to forage.

SEC. 15. *And be it further enacted,* That whenever any officer or soldier shall be discharged from the service, except by way of punishment for an offence, he shall be allowed his pay and rations, or an equivalent in money, for such term of time as shall be sufficient for him to travel from the place of discharge to the place of his residence, computing at the rate of twenty miles to a day.

SEC. 16. *And be it further enacted,* That there shall be appointed to each brigade one chaplain, who shall be entitled to the same pay and emoluments as a major in the infantry.

SEC. 17. *And be it further enacted,* That no field or staff officer, who may be appointed by virtue of this act, shall be entitled to receive any pay or emoluments until he shall be called into actual service, nor for any longer time than he shall continue therein.

SEC. 18. *And be it further enacted.* That the act, entitled "An act authorizing the President of the United States to accept and organize certain volunteer military corps," and the act, entitled "An act supplementary to the act, entitled, 'An act authorizing the President of the United States to accept and organize certain volunteer military corps,'" be, and the same are hereby repealed, from and after the first day of February next: *Provided,* That nothing herein contained shall be so construed as to deprive the officers and men who may have entered the service as volunteers, under the said acts, of any rights, immunities, or privileges therein secured, or the

United States of the services of such volunteers, agreeably to the provisions of the said acts.

Approved, January 29, 1813.

An Act for the relief of the Bible Society of Philadelphia.

Be it enacted, &c., That the duties arising and due to the United States upon certain stereotype plates, imported during the last year into the port of Philadelphia, on board the ship Brilliant, by the Bible Society of Philadelphia, for the purpose of printing editions of the Holy Bible, be and the same are hereby remitted, on behalf of the United States, to the said society: and any bond or security given for the securing of the payment of the said duties shall be cancelled.

Approved, February 2, 1813.

An Act supplementary to an act, entitled "An act to provide for calling forth the militia to execute the laws, suppress insurrections, and repel invasions," and to repeal the act now in force for those purposes, and to increase the pay of volunteer and militia corps.

Be it enacted, &c., That in every case in which a court martial shall have adjudged and determined a fine against any officer, non-commissioned officer, musician, or private, of the militia, for any of the causes specified in the act to which this act is a supplement, or in the fourth section of an act, entitled "An act to authorize a detachment from the militia of the United States;" all such fines, so assessed, shall be certified to the Comptroller of the Treasury of the United States, in the same manner as the act to which this act is a supplement directed the same to be certified to the supervisor of the revenue.

Sec. 2. *And be it further enacted*, That the marshals shall pay all fines which have been levied and collected by them or their respective deputies, under the authority of the acts herein referred to, into the Treasury of the United States, within two months after they shall have received the same, deducting five per centum for their own trouble; and, in case of failure, it shall be the duty of the Comptroller of the Treasury to give notice to the District Attorney of the United States, who shall proceed against the said marshal in the district court by attachment for the recovery of the same.

Sec. 3. *And be it further enacted*, That the non-commissioned officers, musicians, and privates of volunteer and militia corps, who, subsequent to the thirty-first day of December, one thousand eight hundred and twelve, shall have been or may hereafter be called out, while in the service of the United States, shall, during the continuance of the present war between the United Kingdom of Great Britain and Ireland, and the dependencies thereof, and the United States of America and their territories, be entitled to and receive the same monthly pay, rations, and forage, and furnished with the same camp equipage, as are or may be provided by law for the non-commissioned officers, musicians, and privates of the Army of the United States.

Approved, February 2, 1813.

An Act giving the right of pre-emption in the purchase of lands to certain settlers in the Illinois Territory.

Be it enacted, &c., That every person, or the legal representative of every person, who has actually inhabited and cultivated a tract of land lying in either of the districts established for the sale of public lands, in the Illinois Territory, which tract is not rightfully claimed by any other person, and who shall not have removed from said Territory; every such person and his legal representatives shall be entitled to a preference in becoming the purchaser from the United States of such tract of land at private sale, at the same price, and on the same terms and conditions, in every respect, as are or may be provided by law for the sale of other lands sold at private sale in said Territory, at the time of making such purchase: *Provided*, That no more than one quarter section of land shall be sold to any one individual, in virtue of this act; and the same shall be bounded by the sectional and divisional lines run, or to be run, under the direction of the Surveyor General for the division of the public lands: *Provided also*, That no lands reserved from sale by former acts, or lands which have been directed to be sold in town lots, and out lots, shall be sold under this act.

Sec. 2. *And be it further enacted*, That every person claiming a preference in becoming the purchaser of a tract of land, in virtue of this act, shall make known his claim, by delivering a notice in writing, to the register of the land office, for the district in which the land may lie, wherein he shall particularly designate the quarter section he claims; which notice the register shall file in his office, on receiving twenty-five cents from the person delivering the same. And in every case where it shall appear, to the satisfaction of the register and receiver of public moneys of the land office, that any person, who has delivered his notice of claim, is entitled, according to the provision of this act, to a preference in becoming the purchaser of a quarter section of land, such person so entitled shall have a right to enter the same, with the register of the land office, on producing his receipt from the receiver of public moneys for at least one-twentieth part of the purchase money, as in case of other public lands sold at private sale: *Provided*, That all lands to be sold under this act shall be entered with the register at least two weeks before the time of the commencement of the public sales, in the district wherein the land lies: and every person having a right of preference in becoming the purchaser of a tract of land, who shall fail so to make his entry with the register, within the time prescribed, his right shall be forfeited, and the land by him claimed shall be offered at public sale, with the other public lands in the district to which it belongs.—[Approved, February 5, 1813.

An Act authorizing a loan for a sum not exceeding sixteen millions of dollars.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to borrow, on the credit of the United States, a sum

not exceeding sixteen millions of dollars, to be applied, in addition to the moneys now in the Treasury, or which may be received from other sources, to defray any of the expenses which have been, or, during the present session of Congress may be authorized by law, and for which appropriations have been, or, during the present session of Congress, may be made by law: *Provided*, That no engagement nor contract shall be entered into, which shall preclude the United States from reimbursing any sum or sums thus borrowed at any time after the expiration of twelve years, from the first day of January next: *And it is hereby further declared*, That it shall be deemed a good execution of the said power to borrow, for the President of the United States to cause to be sold the whole or any part of the certificates of stock issued for the sums to be borrowed by virtue of this act.

Sec. 2. *And be it further enacted*, That the President of the United States do cause to be laid before Congress, on the first Monday in February, eighteen hundred and fourteen, or so soon thereafter as Congress may be in session, an account of all moneys obtained by the sale of the certificates of stock, by virtue of the power given him by the proceding section, together with a statement of the rate at which the same may have been sold.

Sec. 3. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized to employ, with the approbation of the President of the United States, an agent or agents, for the purpose of obtaining subscriptions to the loan authorized by this act, or of selling any part of the stock created by virtue thereof. A commission not exceeding one quarter of one per cent. on the amount thus sold, or for which subscriptions shall have been thus obtained, may, by the Secretary of the Treasury, be allowed to such agent or agents; and a sum not exceeding forty thousand dollars, to be paid out of any moneys in the Treasury not otherwise appropriated, is hereby appropriated for paying the amount of such commission or commissions, as may be thus allowed, and also for defraying the expenses of printing and issuing the subscription certificates and certificates of stock and other expenses incident to the receiving of subscriptions, and completing the loan authorized by this act.

Sec. 4. *And be it further enacted*, That so much of the funds constituting the annual appropriation of eight millions of dollars, for the payment of the principal and interest of the public debt of the United States, as may be wanted for that purpose, after satisfying the sums necessary for the payment of the interest, and such part of the principal of said debt, as the United States are now pledged annually to pay or reimburse, is hereby pledged and appropriated for the payment of the interest, and for the reimbursement of the principal of the stock which may be created by virtue of this act: it shall accordingly be the duty of the Commissioners of the Sinking Fund, to cause to be applied and paid out of the said fund, yearly, such sum and sums as may be annually wanted to discharge the interest accruing on the said stock, and to reimburse the principal as the same shall become due, and may be discharged in conformity with the terms of the loan; and they are further authorized to apply, from time to time, such sum or sums, out of the said fund, as they may think proper, towards redeeming by purchase, and at a price not above par, the principal of the said stock, or any part thereof. And the faith of the United States is hereby pledged, to establish sufficient revenues for making up any deficiency that may hereafter take place in the funds hereby appropriated for paying the said interest and principal sums, or any of them, in manner aforesaid.

Sec. 5. *And be it further enacted*, That it shall be lawful for any of the banks in the District of Columbia, to lend any part of the sum authorized to be borrowed by virtue of this act, anything in any of their charters of incorporation to the contrary notwithstanding.

Approved, February 8, 1813.

An Act regulating pensions to persons on board private armed ships.

Be it enacted, &c., That the two per centum reserved in the hands of the Collectors and Consuls by the act of June, eighteen hundred and twelve, entitled "An act concerning letters of marque, prizes, and prize goods," shall be paid to the Treasury, under the like regulations provided for other public money and shall constitute a fund for the purposes provided for by the seventeenth section of the beforementioned act.

Sec. 2. *And be it further enacted*, That the Secretary of the Navy be authorized and required to place on the pension list, under the like regulations and restrictions as are used in relation to the Navy of the United States, any officer, seaman, or marine, who, on board of any private armed ship or vessel bearing a commission of letter of marque, shall have been wounded or otherwise disabled in any engagement with the enemy; allowing to the captain a sum not exceeding twenty dollars per month; to lieutenants and sailing master, a sum not exceeding twelve dollars each per month; to marine officer, boatswain, gunner, carpenter, master's mate, and prize-masters, a sum not exceeding ten dollars each per month; to all other officers a sum not exceeding eight dollars each per month, for the highest rate of disability, and so in proportion; and to a seaman, or acting as a marine, the sum of six dollars per month, for the highest rate of disability, and so in proportion; which several pensions shall be paid, by direction of the Secretary of the Navy, out of the fund above provided, and from no other.

Sec. 3. *And be it further enacted*, That the commanding officer of every vessel, having a commission, or letters of marque and reprisal, shall enter in his journal the name and rank of any officer, and the name of any seaman, who, during his cruise, shall have been wounded or disabled as aforesaid, describing the manner and extent, as far as practicable, of such wound or disability.

SEC. 4. *And be it further enacted*, That every collector shall transmit quarterly to the Secretary of the Navy, a transcript of such journal as may have been reported to him, so far as it gives a list of the officers and crew, and the description of wounds and disabilities, the better to enable the Secretary to decide on claims for pensions.

Approved, February 13, 1813.

An Act confirming certain claims to lands in the District of Vincennes.

Be it enacted, &c., That all the decisions of the register and receiver of public moneys for the district of Vincennes, made in favor of persons claiming donation lands in the said district, as entered in a list of claims, which, in the opinion of the said register and receiver, ought to be confirmed in pursuance of the act, entitled "An act providing for the sale of certain lands in the Indiana Territory, and for other purposes," passed on the thirtieth day of April, one thousand eight hundred and ten, which list is a part of their report to the Secretary of the Treasury, bearing date of the twenty-seventh day of May, one thousand eight hundred and twelve, be, and the same are hereby, confirmed.

SEC. 2. *And be it further enacted*, That the following persons, whose claims, according to the aforesaid report, are not embraced by the provisions of the above recited act, but which nevertheless, in the opinion of the register and receiver, ought to be confirmed, shall be, and their claims are hereby, confirmed, respectively, to the following quantities of land, that is to say: the heirs of Francis Peltier, the heirs of Bernice Lefever, and the heirs of Jean Btt. Valecour, respectively, four hundred acres; Rene Campeau, Francois Cardinal, the heirs of Joseph Pancake, the heirs of Jacob Howell, the heirs of Alexander Wilson, the heirs of Daniel Sullivan, and the heirs of Jacob Tevebaugh, respectively, one hundred acres.

SEC. 3. *And be it further enacted*, That the several persons whose claims are confirmed by this act, are hereby authorized to enter their locations with the register of the land office at Vincennes, on any part of the tract set apart for that purpose in said district, by virtue of the act, entitled "An act respecting claims to lands in the Indiana Territory and State of Ohio," and in conformity to the provisions of that act: *Provided*, That such locations shall be made prior to the first day of October next; and the right of any person who shall neglect to locate prior to that day shall become void and forever be barred.

SEC. 4. *And be it further enacted*, That every person, or the legal representative of every person, whose claim to a tract of land is confirmed by this act, shall, whenever his claim shall have been located and surveyed, be entitled to receive, from the register of the land office at Vincennes, a certificate, stating that the claimant is entitled to receive a patent for such tract of land by virtue of this act; for which certificate the register shall receive one dollar; and which certificate shall entitle the party to a patent for the said tract of land, which shall issue, in like manner, as is provided by law for the other lands of the United States.

Approved, February 13, 1813.

An Act making provision for an additional number of General Officers.

Be it enacted, &c., That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint six major generals, in addition to those already authorized by law; each of whom shall be allowed two aids-de-camp, to be taken from the officers of the line, and six brigadier generals, who shall be allowed a brigade major, and one aid-de-camp, each to be taken also from the officers of the line.

SEC. 2. *And be it further enacted*, That the officers authorized by this act, shall receive the same pay, forage, rations, and other emoluments, as the officers of the same grade of the present Military Establishment.

Approved, February 24, 1813.

An Act authorizing the issuing of Treasury notes for the service of the year one thousand eight hundred and thirteen.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to cause Treasury notes for such sum or sums as he may think expedient, but not exceeding in the whole the sum of five millions of dollars, to be prepared, signed, and issued, in the manner hereinafter provided.

SEC. 2. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized, in addition to the amount authorized by the next preceding section of this act, to cause Treasury notes, for such sum or sums as he may think expedient, but not exceeding, in the whole, the further sum of five millions of dollars, to be prepared, signed, and issued, in the manner hereinafter provided: *Provided*, That the amount of money borrowed or obtained, by virtue of the notes which may be issued by virtue of this section, shall be deemed, and held to be, in part of the sum of sixteen millions of dollars, authorized to be borrowed by virtue of the act to that effect, passed during the present session of Congress.

SEC. 3. *And be it further enacted*, That the said Treasury notes shall be reimbursed by the United States, at such places, respectively, as may be expressed on the face of the said notes, one year, respectively, after the day on which the same shall have been issued; from which day of issue they shall bear interest, at the rate of five and two-fifths per centum a year, payable to the owner and owners of such notes, at the Treasury, or by the proper commissioner of loans, or by the officer designated for that purpose, at the places and times respectively designated on the face of said notes, for the payment of the principal.

SEC. 4. *And be it further enacted*, That the said Treasury notes shall be respectively signed,

in behalf of the United States, by persons to be appointed for that purpose by the President of the United States, two of which persons shall sign each note, and shall each receive, as a compensation for that service, at the rate of one dollar and twenty-five cents for every hundred notes thus signed by them, respectively; and the said notes shall likewise be countersigned by the commissioner of loans for that State, where the notes may respectively be made payable, or by the Register of the Treasury, if made payable in the District of Columbia, or by a person to be appointed for that purpose by the President of the United States, if made payable in a State for which there is no commissioner of loans; which person or persons thus appointed shall also receive, as a compensation for that service, at the rate of one dollar and twenty-five cents for every hundred notes thus signed by him or them respectively.

SEC. 5. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized, with the approbation of the President of the United States, to cause to be issued such portion of the said Treasury notes as the President may think expedient, in payment of supplies, or debts due by the United States, to such public creditors, or other persons, as may choose to receive such notes in payment, as aforesaid, at par: and the Secretary of the Treasury is further authorized, with the approbation of the President of the United States, to borrow, from time to time, not under par, such sums as the President may think expedient on the credit of such notes; or to sell, not under par, such portion of the said notes as the President may think expedient: and it shall be a good execution of this provision to pay such notes to such bank or banks, as will receive the same at par, and give credit to the Treasury of the United States, for the amount thereof, on the day on which the said notes shall thus be issued and paid to such bank or banks respectively.

SEC. 6. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized, with the approbation of the President of the United States, to employ an agent or agents for the purpose of selling any portion of the notes which may be issued by virtue of this act: a commission not exceeding one-quarter of one per cent., on the amount thus sold, may, by the Secretary of the Treasury, be allowed to such agent or agents; and a sum not exceeding twenty-five thousand dollars, to be paid out of any moneys in the Treasury, not otherwise appropriated, is hereby appropriated for paying such commission or commission as may be thus allowed.

SEC. 7. *And be it further enacted*, That the said Treasury notes shall be transferrable by delivery and assignment, endorsed thereon by the person to whose order the same shall, on the face thereof, have been made payable.

SEC. 8. *And be it further enacted*, That the said Treasury notes, wherever made payable, shall be everywhere received in payment of all duties and taxes laid by the authority of the United States, and of all public lands sold by the said authority: on every such payment credit shall be given for the amount of both the principal and the interest, which, on the day of such payment, may appear due on the note or notes thus given in payment: and the said interest shall, on such payments, be computed at the rate of one cent and one-half of a cent per day, on every hundred dollars of principal, and each month shall be computed as containing thirty days.

SEC. 9. *And be it further enacted*, That any person making payment to the United States, in the said Treasury notes, into the hands of any collector, receiver of public moneys, or other public officer or agent, shall, on books kept according to such forms as shall be prescribed by the Secretary of the Treasury, give duplicate certificates of the number and respective amount of principal and interest of each and every Treasury note thus paid by such person; and every collector, receiver of public moneys, or other public officer or agent, who shall thus receive any of the said Treasury notes in payment, shall, on payment of the same into the Treasury, or into one of the banks where the public moneys are, or may be, deposited, receive credit both for the principal and for the interest, computed as aforesaid, which, on the day of such last mentioned payment, shall appear due on the note or notes thus paid in; and he shall be charged for the interest accrued on such note or notes from the day on which the same shall have been received by him in payment as aforesaid, to the day on which the same shall be paid by him as aforesaid: *Provided, always*, That no such charge or deduction shall be made with respect to any bank, into which payments as aforesaid, may be made to the United States, either by individuals or by collectors, receivers, or other public officers, or agents, and which shall receive the same as specie, and give credit to the Treasurer of the United States for the amount thereof, including the interest accrued and due on such notes on the day on which the same shall have been thus paid into such bank, on account of the United States.

SEC. 10. *And be it further enacted*, That the Commisioners of the Sinking Fund be, and they are hereby, authorized and directed to cause to be reimbursed and paid the principal and interest of the Treasury notes which may be issued by virtue of this act, at the several time and times when the same, according to the provisions of this act, should be thus reimbursed and paid; and the said commissioners are further authorized to make purchases of the said notes, in the same manner as of other evidences of the public debt, and at a price not exceeding par, for the amount of the principal and interest due at the time of purchase of such notes. So much of the funds constituting the annual appropriation of eight millions of dollars, for the payment of the principal and interest of the public debt of the United States, as may be wanted for that purpose, after satisfying the sums necessary for the payment of the interest and such part of the principal of the said debt, as the United States are now pledged annually to pay and reimburse, inclu-

ding therein the interest and principal which may become payable upon any loan or loans which may be contracted by virtue of any law passed during the present session of Congress, is hereby pledged and appropriated for the payment of the interest, and for the reimbursement or purchase of the principal of the said notes; and so much of any moneys in the Treasury not otherwise appropriated, as may be necessary for that purpose, is hereby appropriated for making up any deficiency in the funds thus pledged and appropriated, for paying the principal and interest as aforesaid; and that the Secretary of the Treasury is hereby authorized and directed for that purpose, to cause to be paid to the Commissioners of the Sinking Fund such sum or sums of money, and at such time and times as will enable the said Commissioners faithfully and punctually to pay the principal and interest of the said notes.

SEC. 11. *And be it further enacted*, That a sum of forty thousand dollars, to be paid out of any money in the Treasury not otherwise appropriated, be, and the same is hereby, appropriated, for defraying the expense of preparing, printing, engraving, signing, and otherwise incident to the issuing of the Treasury notes authorized by this act.

SEC. 12. *And be it further enacted*, That if any person shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting, any note in imitation of, or purporting to be, a Treasury note aforesaid; or shall falsely alter, or cause, or procure to be falsely altered, or willingly aid or assist in falsely altering any Treasury note issued as aforesaid; or shall pass, utter, or publish, or attempt to pass, utter, or publish, as true, any false, forged, or counterfeited note, purporting to be a Treasury note as aforesaid, knowing the same to be falsely made, forged, or counterfeited; or shall pass, utter, or publish, or attempt to pass, utter, or publish as true, any falsely altered Treasury note issued as aforesaid, knowing the same to be falsely altered, every such person shall be deemed and adjudged guilty of felony, and being thereof convicted, by due course of law, shall be sentenced to be imprisoned and kept to hard labor for a period not less than three years, nor more than ten years, and be fined in a sum not exceeding five thousand dollars.

Approved, February 25, 1813.

An Act to impose a duty on the importation of iron wire.

Be it enacted, &c., That iron wire, which, from and after the passage of this act, shall be imported into the United States and the Territories thereof, shall be subject to the same duty as is paid on the importation of iron, steel, or brass locks, hinges, hoes, anvils, and vices.

SEC. 2. *And be it further enacted*, That an addition of ten per centum shall be made on the rate of duty hereby directed to be collected on the importation of iron wire as aforesaid, in ships or vessels not of the United States.

SEC. 3. *And be it further enacted*, That the duty laid by this act shall be levied and collected in the same manner, and under the same regulations and allowances as to drawbacks, mode of security, and time of payment, as the duties now in force on the articles hereinbefore enumerated.

Approved, February 25, 1813.

An Act to raise ten additional companies of rangers.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to raise ten additional companies of rangers, on the same provisions, conditions, and restrictions, as those authorized to be raised by "An act authorizing the President of the United States to raise certain companies of rangers for the protection of the frontier of the United States," which said companies shall be in lieu of one of the regiments authorized to be raised by the act in addition to the act entitled "An act to raise an additional military force, and for other purposes," passed the twenty-ninth day of January, one thousand eight hundred and thirteen.

Approved, February 25, 1813.

An Act to alter the time for the next meeting of Congress.

Be it enacted, &c., That, after the adjournment of the present session, the next meeting of Congress shall be on the fourth Monday of May next.

Approved, February 27, 1813.

An Act directing the Secretary of the Treasury to remit certain fines, penalties, and forfeitures, therein mentioned.

Be it enacted, &c., That in all cases where goods, wares, and merchandise have been imported or introduced into the United States (the same not having been clandestinely imported or introduced) from the dependencies of the United Kingdom of Great Britain and Ireland, since the declaration of war by the United States against the said Kingdom, or which were shipped from the said Kingdom prior to the second day of February, one thousand eight hundred and eleven, whereby the person or persons interested in such goods, wares, or merchandise, or concerned in the importion or introduction thereof, into the United States, hath or have incured any fine, penalty or forfeiture, under an act, entitled "An act to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes;" and an act, entitled "An act concerning the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes;" and the act supplementary to the act last mentioned, on such person or persons petitioning for relief to any judge or court, proper to hear the same, in pursuance of the provisions of the act, entitled "An act to provide for mitigating or remitting the forfeitures, penalties, and disabilities, accruing in certain cases therein mentioned;" and on the facts being shown, on in-

quiry had by the said judge or courts, stated and transmitted, as by the said act is required, to the Secretary of the Treasury; in all such cases wherein it shall be proved, to his satisfaction, that the said goods, wares, and merchandise, at the time of their importation or introduction into the United States were *bona fide* American property, that they were not clandestinely imported or introduced, and that they were imported or introduced since the declaration of war aforesaid, the Secretary of the Treasury is hereby directed to remit all fines, penalties, and forfeitures that may have been incurred under the said acts, in consequence of such importation or introduction into the United States, upon the costs and charges that have arisen, or may arise, being paid on payment of the duties that would have been payable by law, on such goods, wares, and merchandise, if legally imported; and also, to direct the prosecution or prosecutions, if any shall have been instituted, for the recovery of the said fines, penalties, and forfeitures, to cease and be discontinued.

Sec. 2. *And be it further enacted*, That the duties payable on the goods, wares, and merchandise, embraced by the provisions of the act, entitled "An act authorizing the admission, under certain circumstances, of vessels owned by citizens of the United States of America, with their cargoes, from British ports beyond the Cape of Good Hope," shall not, in any case, be paid, or secured to be paid, in such manner as to postpone the payment of such duties beyond the time and times at which the said duties should have become payable, if the goods, wares, and merchandise had been imported and entered at the time of passing this act, anything in the act abovementioned to the contrary notwithstanding.

Approved, February 27, 1813.

An Act in addition to an act regulating the Post Office Establishment.

Be it enacted, &c., That the Postmaster General be, and he is hereby, authorized to contract for carrying mails of the United States in any steamboat or boats, which are or may be established to ply between one post town and another post town: *Provided*, That such contract shall not be made for a longer period than four years: *And provided also*, That the pay for such service shall not be at a greater rate, taking into consideration distance, expedition, and frequency, than is paid for carrying the mail by stages, on the post road or roads, or adjacent to the course of such steamboats, and that such contracts shall secure the regular transportation of the mail throughout each year.

Approved, February 27, 1813.

An Act authorizing the appointment of additional officers in the respective Territories of the United States.

Be it enacted, &c., That there shall be appointed in the respective Territories of the United States a person learned in the law, to act as Attorney of the United States, who shall, besides the usual fees of office, receive an annual salary of two hundred and fifty dollars, payable quarter-yearly, at the Treasury of the United States; and there shall also be appointed, in each of said Territories, a Marshal, who shall receive the same fees and compensation as is allowed by law to the Marshal of the district of Kentucky.

Approved, February 27, 1813.

An Act to establish certain post roads in the State of Louisiana.

Be it enacted, &c., That the following post roads be established: from Natchez, in the Mississippi Territory, by Concordia, to Catahoula, and from thence, by Rapids, to Nachitoches; from St. Francisville, by St. Helena and St. Tammany, to Madisonville.

Approved, February 27, 1813.

An Act to encourage Vaccination.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to appoint an agent to preserve the genuine vaccine matter, and to furnish the same to any citizen of the United States, whenever it may be applied for, through the medium of the post office; and such agent shall, previous to his entering upon the execution of the duties assigned to him by this act, and before he shall be entitled to the privilege of franking any letter or package as herein allowed, take and subscribe the following oath or affirmation, before some magistrate, and cause a certificate thereof to be filed in the General Post Office: "I, A. B., do swear (or affirm, as the case may be) that I will faithfully use my best exertions to preserve the genuine vaccine matter, and to furnish the same to the citizens of the United States; and also, that I will abstain from everything prohibited in relation to the establishment of the post office of the United States." And it shall be the duty of the said agent to transmit to the several postmasters in the United States a copy of this act; and he shall also forward to them a public notice, directing how and where all application shall be made to him for vaccine matter.

Sec. 2. *And be it further enacted*, That all letters or packages, not exceeding half an ounce in weight, containing vaccine matter, or relating to the subject of vaccination, and that alone, shall be carried by the United States' mail free of any postage, either to or from the agent who may be appointed to carry the provisions of this act into effect: *Provided always*, That the said agent, before he delivers any letter for transmission by the mail, shall, in his own proper handwriting, on the outside thereof, endorse the word "vaccination," and thereto subscribe his name, and shall previously furnish the postmaster of the office where he shall deposite the same with a specimen of his signature; and if said agent shall frank any letter or package, in which shall be contained anything relative to any subject other than vaccination, he shall, on conviction of every

such offence, forfeit and pay a fine of fifty dollars, to be recovered in the same manner as other fines or violations of law establishing the post office: *Provided also*, That the discharge of any agent, and the appointment of another in his stead, be at the discretion of the President of the United States.

Approved, February 27, 1813.

An Act giving further time for registering claims to lands in the eastern and western districts of the Territory of Orleans, now State of Louisiana.

Be it enacted, &c., That every person or persons claiming lands in the eastern or western district of the Territory of Orleans, now State of Louisiana, who are actual settlers on the land which they claim, and whose claims have not been heretofore filed with the register of the land office for the district wherein the lands lie, shall be allowed until the first day of January next, to deliver notices in writing, and the written evidences of their claims, in the said districts, respectively, to the register of the land office at New Orleans and Opelousas; and the notices and evidences so delivered, within the time limited by this act, shall be recorded in the same manner, and on payment of the same fees, as if the same had been delivered before the first day of July, one thousand eight hundred and eight; but the rights of such persons as shall neglect so doing, within the time limited by this act, shall, so far as they are derived from, or founded on, any act of Congress, ever after be barred and become void, and the evidences of their claims never after admitted as evidence in any court of the United States against any grant derived from the United States.

Sec. 2. *And be it further enacted*, That every person or persons who had filed his or their notice of claims to land, lying within either of the said districts with the proper register of the land office, according to former laws, but have not exhibited any testimony or written evidence in support of the same, and whose claim has not been confirmed by the commissioners appointed to ascertain and settle claims to lands in the said districts, shall be allowed until the first day of January next, to deliver the written evidence or other testimony in support of his or their claim, the notice of which had been filed as aforesaid, to the register of the land office at New Orleans, for lands lying in the eastern district, and the register of the land office at Opelousas, for lands lying in the western district; and every written evidence of claim, the notice whereof had been filed as aforesaid, for lands lying in the said districts, delivered, within the time limited by this section, to the said registers, shall, by them, respectively be recorded in the same manner as was directed, and on receiving the same fees allowed by former acts for recording evidence of claim to lands in the same districts; and the right of any such persons neglecting to deliver the evidence of their claims as abovementioned, shall become barred and void in so far as the same is derived from the United States, and the evidence thereof be incapable of being admitted in any court whatsoever against any grant derived from the United States.

Sec. 3. *And be it further enacted*, That the register and receiver of public moneys of the said respective land offices at New Orleans and Opelousas, shall have the same powers and perform the same duties in every respect, in relation to the claims that may be filed according to the first section of this act, and the claims, notice of which had been given under former acts, and the evidence in support thereof shall have been delivered according to the second section of this act, as the board of commissioners, for ascertaining and adjusting claims to lands in the same districts, would have had or should have performed, if such notice had been filed, and such evidence delivered, before the first day of July, one thousand eight hundred and eight, except, that their decisions shall be subject to the revision of Congress.

Sec. 4. *And be it further enacted*, That it shall be the duty of the register and receiver of each of the said land offices, respectively, to make, to the Commissioner of the General Land Office, a report of all the claims filed with the register as aforesaid, with the substance of the evidence in support thereof, and of the claims formerly filed, in support of which evidence shall have been received, with the substance of such evidence, and also their opinion, and such remarks respecting the claims as they may think proper to make; which report, together with a list of the claims which, in the opinion of the register and receiver, ought to be confirmed, shall be laid by the Commissioner of the General Land Office before Congress, at their next session, for their determination thereon.

Sec. 5. *And be it further enacted*, That the register and receiver of the aforesaid land offices shall have power to appoint a clerk, whose duties shall be the same, in relation to the aforesaid claims, as were required of the clerk to the board of commissioners for the same districts, and the said registers, receivers, and clerks, shall each be allowed fifty cents for each claim on which a decision shall be made, in their respective districts, whether such decision be in favor or against the claims; which allowance of fifty cents shall be in full compensation for their services under this act. And a further sum of fifty cents shall be allowed on each claim decided as aforesaid, to defray the expense of making translations from the French and Spanish languages.

Approved, February 27, 1813.

An Act to authorize and empower the President and Managers of the Washington Turnpike Company of the State of Maryland, when organized, to extend and make their turnpike road to or from Georgetown, in the District of Columbia, through the said District, to the line thereof.

Be it enacted, &c., That the law of the State of Maryland, entitled "An act to incorporate a company to make a turnpike road from the line

of the District of Columbia, where it crosses the post road leading from Georgetown to Fredericktown, through Montgomery and Frederick counties to Fredericktown," passed in the year one thousand eight hundred and five, and the supplement thereto, be, and they are hereby declared to be, in full force, within the District of Columbia.

Sec. 2. *And be it further enacted*, That the president and managers of said company, when organized according to law, shall be, and they are hereby, authorized and empowered to make said turnpike road from Georgetown, in the District of Columbia, through Tennallytown, to the line of said District, in the same manner, and upon the same terms and conditions, as by law they are authorized to make the said turnpike, within the limits of the State of Maryland.

Sec. 3. *And be it further enacted*, That, when and so soon as the said turnpike road shall be completed from Georgetown, in the District of Columbia, to Montgomery court-house, in the State of Maryland, it shall and may be lawful for the said president and managers of said company to erect a toll-gate on this side of, and near to Tennallytown, and there to demand and receive such tolls, and on such terms and conditions, as by the law of the State of Maryland they are authorized to demand and receive, at any toll-gate erected on said road within the limits of the State of Maryland.

Approved, February 27, 1813.

An Act to continue in force, for a limited time, the first section of the act, entitled "An act further to protect the commerce and seamen of the United States against the Barbary Powers."

Be it enacted, &c., That so much of the act passed on the twenty-fifth day of March, one thousand eight hundred and four, entitled "An act further to protect the commerce and seamen of the United States against the Barbary Powers," as is contained in the first section of the said act, and which was continued in force for the time therein mentioned, by an act, entitled "An act to continue in force for a further time the first section of the act, entitled 'An act further to protect the commerce and seamen of the United States against the Barbary Powers," passed on the thirty-first day of January, one thousand eight hundred and twelve, be, and the same is hereby, continued in force until the first day of April, one thousand eight hundred and fourteen, and thence to the end of the next ensuing session of Congress: *Provided, however*, That the additional duty laid by said section shall be collected on all such goods, wares, and merchandise, liable to pay the same, as shall have been imported previous to the end of that session of Congress.

Approved, February 27, 1813.

An Act for the regulation of seamen on board the public and private vessels of the United States.

Be it enacted, &c., That, from and after the termination of the war in which the United States are now engaged with Great Britain, it shall not be lawful to employ on board any of the public or private vessels of the United States any person or persons except citizens of the United States, or persons of color, natives of the United States.

Sec. 2. *And be it further enacted*, That, from and after the time when this act shall take effect, it shall not be lawful to employ as aforesaid any naturalized citizen of the United States, unless such citizen shall produce to the commander of the public vessel, if to be employed on board such vessel, or to a collector of the customs, a certified copy of the act by which he shall have been naturalized, setting forth such naturalization and the time thereof.

Sec. 3. *And be it further enacted*, That, in all cases of private vessels of the United States sailing from a port in the United States to a foreign port, the list of the crew, made as heretofore directed by law, shall be examined by the collector for the district from which the vessel shall clear out, and, if approved of by him, shall be certified accordingly. And no person shall be admitted or employed as aforesaid, on board of any vessel aforesaid, unless his name shall have been entered in the list of the crew, approved and certified by the collector for the district from which the vessel shall clear out as aforesaid. And the said collector, before he delivers the list of the crew, approved and certified as aforesaid, to the captain, master, or proper officer of the vessel to which the same belongs, shall cause the same to be recorded in a book by him for that purpose to be provided, and that the said record shall be open for the inspection of all persons, and a certified copy thereof shall be admitted in evidence in any court in which any question may arise, under any of the provisions of this act.

Sec. 4. *And be it further enacted*, That the President of the United States be, and he hereby is, authorized from time to time to make such further regulations, and to give such directions to the several commanders of public vessels, and to the several collectors, as may be proper and necessary respecting the proofs of citizenship, to be exhibited to the commanders or collectors aforesaid: *Provided*, That nothing contained in such regulations or directions shall be repugnant to any of the provisions of this act.

Sec. 5. *And be it further enacted*, That, from and after the time when this act shall take effect, no seaman or other seafaring man, not being a citizen of the United States, shall be admitted or received as a passenger on board of any public or private vessel of the United States, in a foreign port, without permission in writing from the proper officers of the country of which such seaman or seafaring man may be a subject or citizen.

Sec. 6. *And be it further enacted*, That, from and after the time when this act shall take effect, the Consuls or commercial agents of any nation at peace with the United States shall be admitted (under such regulations as may be prescribed by the President of the United States) to state their objections, to the proper commander or col-

lector as aforesaid, against the employment of any seaman or seafaring man on board of any public or private vessel of the United States, on account of his being a native subject or citizen of such nation, and not embraced within the description of persons who may be lawfully employed, according to the provisions of this act; and the said Consuls or commercial agents shall also be admitted, under the said regulations, to be present at the time when the proofs of citizenship of the persons against whom such objections may have been made, shall be investigated by such commander or collector.

SEC. 7. *And be it further enacted*, That if any commander of a public vessel of the United States shall knowingly employ, or permit to be employed, or shall admit or receive, or permit to be admitted or received, on board his vessel, any person whose employment or admission is prohibited by the provisions of this act, he shall on conviction thereof forfeit and pay the sum of one thousand dollars for each person thus unlawfully employed or admitted on board such vessel.

SEC. 8. *And be it further enacted*, That if any person shall, contrary to the prohibitions of this act, be employed, or be received on board of any private vessel, the master or commander, and the owner or owners of such vessel, knowing thereof, shall respectively forfeit and pay five hundred dollars for each person thus unlawfully employed or received in any one voyage; which sum or sums shall be recovered, although such seaman or person shall have been admitted and entered in the certified list of the crew aforesaid, by the collector for the district to which the vessel may belong; and all penalties and forfeitures arising under or incurred by virtue of this act, may be sued for, prosecuted, and recovered, with costs of suit, by action of debt, and shall accrue and be one moiety thereof to the use of the person who shall sue for the same, and the other moiety thereof to the use of the United States.

SEC. 9. *And be it further enacted*, That nothing in this act contained shall be construed to prohibit any commander or master of a public or private vessel of the United States, whilst in a foreign port or place, from receiving any American seaman in conformity to law, or supplying any deficiency of seamen on board of such vessel, by employing American seamen, or subjects of such foreign country, the employment of whom shall not be prohibited by the laws thereof.

SEC. 10. *And be it further enacted*, That the provisions of this act shall have no effect or operation with respect to the employment, as seamen, of the subjects or citizens of any foreign nation which shall not, by treaty or special convention with the Government of the United States, have prohibited, on board of her public and private vessels, the employment of native citizens of the United States, who have not become a citizen or subject of such nation.

SEC. 11. *And be it further enacted*, That nothing in this act contained shall be so construed as to prevent any arrangement between the United States and any foreign nation, which may take place under any treaty or convention, made and ratified in the manner prescribed by the Constitution of the United States.

SEC. 12. *And be it further enacted*, That no person who shall arrive in the United States, from and after the time when this act shall take effect, shall be admitted to become a citizen of the United States, who shall not, for the continued term of five years next preceding his admission as aforesaid, have resided within the United States, without being, at any time during the said five years, out of the territory of the United States.

SEC. 13. *And be it further enacted*, That if any person shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, any certificate or evidence of citizenship referred to in this act; or shall pass, utter, or use as true, any false, forged, or counterfeited certificate of citizenship, or shall make sale or dispose of any certificate of citizenship to any person other than the person for whom it was originally issued, and to whom it may of right belong, every such person shall be deemed and adjudged guilty of felony; and, on being thereof convicted by due course of law, shall be sentenced to be imprisoned and kept to hard labor for a period not less than three or more than five years, or be fined in a sum not less than five hundred dollars, nor more than one thousand dollars, at the discretion of the court taking cognizance thereof.

SEC. 14. *And be it further enacted*, That no suit shall be brought for any forfeiture or penalty incurred under the provisions of this act, unless the suit be commenced within three years from the time of the forfeiture.

Approved, March 3, 1813.

An Act giving further time to purchasers of public lands to complete their payments.

Be it enacted, &c., That every person who, prior to the first day of April, one thousand eight hundred and nine, had purchased any tract or tracts of land of the United States, not exceeding in the whole six hundred and forty acres, unless the tract purchased be a fractional section or sections, or fractional sections classed with an entire section, at any of the land offices established for the disposal of the public lands, and whose lands have not already been actually sold, or reverted to the United States for non-payment of part of the purchase money, shall be allowed the further term of three years, from and after the expiration of the period already given by law, for completing the payment of the said purchase money; which further term of three years shall be allowed only on condition: first, that all arrears of interest on the purchase money shall have been paid on or before the time shall have expired, according to former laws, for completing the payment of the purchase money: *Provided*, That in all cases in which the time for completing the payment of the purchase money may have expired, or shall expire, before

the first day of June next, the interest may be paid on or before that day: second, that the residue of the sum, due on account of the principal of such purchase, shall be paid, with interest thereon, in three equal annual payments, viz: one-third of the said residue, with interest which may then be due thereon, within one year; another third of said residue, with interest, within two years, and the remaining third of said residue, with interest, within three years after the expiration of the time for completing the payment on account of such purchase, according to former laws; and in case of failure in paying either the arrears or interest, or any of three instalments of principal with the accruing interest, at the time and times abovementioned, the tract of land shall be forthwith advertised and offered for sale, in the manner and on the terms directed by law, in case of lands not paid for within the limited term, and shall revert in like manner, if the sum due, with interest, be not at such sale bidden and paid: *Provided*, That the benefit of this act shall not extend to any person or persons, on account of any purchase of any tract or tracts of land, made at any of the land offices northwest of the river Ohio prior to the first day of April, one thousand eight hundred and eight.

Approved, March 3, 1813.

An Act allowing further time for delivering the evidence in support of claims to land in the Territory of Missouri, and for regulating the donation grants therein.

Be it enacted, &c., That every person or persons who had filed a notice of claim to any tract of land lying within the district of Louisiana (now Territory of Missouri) with the recorder of land titles, according to law, and have not exhibited any testimony or written evidence in support of the same, and whose claim has not already been confirmed, shall be allowed until the first of January next, to deliver to the recorder of land titles for said Territory the written evidence, or produce other testimony, in support of his or their claim, notice whereof had been filed as aforesaid; and the written evidence delivered to the said recorder within the time limited by this section, in support of claims filed as aforesaid, shall be by him recorded in the same manner, and on receiving the same fees allowed by former acts for recording written evidence of claims to lands in the said district; and the rights of any such person neglecting to deliver the evidence of their claims within the time abovementioned shall become barred and void, in so far as the same was derived from the United States, and the evidence thereof be incapable of being admitted in any court whatsoever.

Sec. 2. *And be it further enacted*, That the recorder of land titles for the said Territory shall have the same powers, and perform the same duties in every respect, in relation to the claims, whereof notice had been filed as aforesaid, and the written evidence in support thereof shall have been delivered, or other testimony produced within the time limited by this act, as the board of commissioners for ascertaining the rights of persons claiming lands in said district would have had or should have performed if the evidence of such claims had been delivered before the first day of July, one thousand eight hundred and eight, except that his decision shall be subject to the revision of Congress.

Sec. 3. *And be it further enacted*, That it shall be the duty of the said recorder to make, to the Commissioner of the General Land Office, a report of all the claims which had been filed, and in support of which evidence shall be received as aforesaid, with the substance of such evidence, together with his opinion, and such remarks as he may think proper, which report, together with a list of the claims which, in the opinion of the said recorder, ought to be confirmed, shall be laid before Congress at their next session for their determination thereon.

Sec. 4. *And be it further enacted*, That every person whose claim to a donation of a tract of land in said district has been confirmed by the board of commissioners appointed for ascertaining the rights of persons claiming lands in said district, and is embraced in their report transmitted to the Secretary of the Treasury, or which has been confirmed by the recorder of land titles, under the third section of the act, entitled "An act making further provision for settling the claims to land in the Territory of Missouri," approved on the thirteenth of June, one thousand eight hundred and twelve, shall be entitled to a grant for six hundred and forty acres, notwithstanding a less quantity shall have been allowed to him by the decision of the said commissioners, or recorder of land titles: *Provided*, That in no case shall the grant be for more land than was claimed by the party in his notice of claim, nor for more land than is contained within the acknowledged and ascertained boundaries of the tract claimed.

Sec. 5. *And be it further enacted*, That the principal deputy surveyor for the said Territory shall survey or cause to be surveyed, under the direction of the surveyor general, a tract of six hundred and forty acres of land, to each claimant of a donation tract, whose claim has been confirmed as aforesaid, except as provided by the last preceding section, where the quantity claimed by the party was less than six hundred and forty acres, and where the ascertained boundaries of the tract claimed does not include six hundred and forty acres, in which cases the survey shall contain only the land claimed; and the tracts thus to be surveyed shall consist of unappropriated lands, and shall in every case contain the improved lands, by virtue of the settlement on, and cultivation of, which the claimant's right to a donation has been confirmed; and in all cases where, by reason of adjacent prior claims, or the contiguity of the improvements of the persons entitled to donation grants, each claimant cannot obtain a tract of six hundred and forty acres, the vacant lands applicable to the object shall be divided between the claimants, in such

manner as shall appear to the principal deputy surveyor most equitable; and whenever plats of the surveys shall have been returned by the principal deputy surveyor to the office of the recorder of land titles, it shall be the duty of the recorder to issue for each tract, according to the survey returned to him, a certificate in favor of the party to each person entitled thereto, which shall be transmitted to the Commissioner of the General Land Office; and if it shall appear to the satisfaction of the said Commissioner that such certificate was fairly obtained, according to the true intent and meaning of this act, then in that case patents shall be granted in like manner as is provided by law for other lands of the United States.

SEC. 6. *And be it further enacted*, That the said recorder of land titles, in addition to his salary as fixed by law, shall be allowed fifty cents on each claim which had been filed, and in support of which evidence shall have been received, according to the first section of this act, and on which he shall make a decision, whether such decision be in favor of, or against, the claim; and a further allowance of five hundred dollars, which shall be paid after he shall have made his report to the Commissioner of the General Land Office; which allowance of fifty cents for each claim decided on, and five hundred dollars on the completion of the business, shall be in full compensation for his services, including clerk hire, respecting the claims to be decided on according to this act.

Approved, March 3, 1813.

An Act to alter the times of holding the District Court in the respective districts of New York and Massachusetts.

Be it enacted, &c., That, instead of the first Tuesdays of April and October, the district court for the district of New York, directed by law to be holden at Utica, shall be holden on the second Tuesday of May, and the fourth Tuesday of September, yearly.

SEC. 2. *And be it further enacted*, That all actions, suits, process, and proceedings, commenced, or to be commenced, or now pending in said district court, and liable to be discontinued, or suffer prejudice from the foregoing alterations, may be returned to, and shall be continued to the district court, to be holden in pursuance of this act, in such manner as that the same shall suffer no discontinuance or prejudice by virtue of this act.

SEC. 3. *And be it further enacted*, That the respective terms of the district court of Massachusetts district, which are now required by law to be holden at Salem, within said district, shall hereafter be holden at Boston, within said district, at the respective times now prescribed by law; and that all writs and processes, of whatsoever nature or kind, that have been or may be issued, and made returnable to the said court at Salem, shall be returnable and returned to the said court at Boston, anything in any former law to the contrary notwithstanding.

Approved, March 3, 1813.

An Act to encourage the destruction of the armed vessels of war of the enemy.

Be it enacted, &c., That, during the present war with Great Britain, it shall be lawful for any person or persons to burn, sink, or destroy, any British armed vessel of war, except vessels coming as cartels or flags of truce; and for that purpose to use torpedoes, submarine instruments, or any other destructive machine whatever: and a bounty of one-half the value of the armed vessel so burnt, sunk, or destroyed, and also one-half the value of her guns, cargo, tackle, and apparel, shall be paid out of the Treasury of the United States to such person or persons who shall effect the same, otherwise than by the armed or commissioned vessels of the United States.

Approved, March 3, 1813.

An Act the better to provide for the supplies of the Army of the United States, and for the accountability of persons intrusted with the same.

Be it enacted, &c., That the third section of the act, entitled "An act to provide for the erecting and repairing of arsenals and magazines, and for other purposes," passed on the second day of April, one thousand seven hundred and ninety-four, be, and the same is hereby, repealed, from and after the thirty-first day of March, one thousand eight hundred and thirteen.

SEC. 2. *And be it further enacted*, That there shall be a superintendent general of military supplies, who shall reside at the seat of Government, and receive an annual salary of three thousand dollars; and whose duty it shall be, under the direction of the Secretary for the War Department, to keep proper accounts of all the military stores and supplies of every description, purchased or distributed for the use of the Army of the United States, and of the volunteers and militia in their service; to prescribe the forms of all the returns and accounts of such stores and supplies purchased, on hand, distributed, used, or sold, to be rendered by the commissary of ordnance and officers in his department, by the commissary general of purchases and his deputies, by the several officers in the quartermaster general's department, by the regimental quartermasters, by the hospital surgeons and other officers belonging to the hospital and medical department, and by all other officers, agents, or persons who shall have received, distributed, or been intrusted with such stores and supplies as aforesaid; to call to account all such persons; to audit and settle all such accounts, and, in case of delinquency, to transmit the account, and to state the value of the articles unaccounted for by such delinquency, to the accounting officers of the Treasury, for final settlement and recovery of such value; to transmit all such orders, and generally to perform all such other duties respecting the general superintendence of the purchase, transportation, safe-keeping, and accountability of military supplies and stores, as aforesaid, as may be prescribed by the Secretary for the War Department.

Sec. 3. *And be it further enacted*, That the commissary general of purchases and his deputies, the several officers in the quartermaster's department, the regimental quartermasters, the commissary of ordnance, his assistant and deputies, the principal hospital surgeons and officers belonging to the hospital and medical departments, and all other officers, agents, or persons who shall have received, or may be intrusted with, any stores or supplies, of any description whatever, for the use of the Army of the United States, and of the volunteers or militia in their service, shall render quarterly accounts of the disposition and state of all such stores and supplies to the superintendent aforesaid, and shall also make such other returns respecting the same, and at such other times as the Secretary for the War Department may prescribe: *Provided, however*, That the accounts and returns thus rendered shall relate to the articles of supply only, which may have been received and disposed of, or as may remain on hand, and shall not embrace the specie accounts for moneys disbursed by such officers, agents, or other persons; which specie accounts shall be rendered, as heretofore, to the Accountant for the War Department.

Sec. 4. *And be it further enacted*, That the officers, agents, or other persons, who may receive moneys in advance from the War Department, shall render quarterly accounts to the Accountant of the said Department, of their specie receipts and disbursements, and shall moreover make such other monthly summary statements thereof, to the Secretary for the said Department, as he may prescribe. And the quarterly accounts of supplies, or of moneys, rendered as aforesaid, shall be respectively settled by the superintendent general of military supplies, and by the Accountant of the War Department, according to their respective authorities, within three months after the time when such accounts shall have respectively been rendered to them.

Sec. 5. *And be it further enacted*, That the Secretary of the War Department shall be, and he is hereby, authorized and directed to define and prescribe the species as well as the amount of supplies to be respectively purchased by the commissary general's and quartermaster general's departments, and the respective duties and powers of the said departments respecting such purchases; and also to adopt and prescribe general regulations for the transportation of the articles of supply from the places of purchase to the several armies, garrisons, posts, and recruiting places, for the safe-keeping of such articles, and for the distribution of an adequate and timely supply of the same to the regimental quartermasters, and to such other officers as may by virtue of such regulations be intrusted with the same. And the Secretary aforesaid is also authorized to fix and make reasonable allowances for the store rent, storage, and salary of store-keepers, necessary for the safe-keeping of all military stores and supplies.

Sec. 6. *And be it further enacted*, That the superintendent general of military supplies shall be appointed by the President, with the advice and consent of the Senate; but the President is hereby authorized to make the appointment during the recess of the Senate, which appointment shall be submitted to the Senate at their next meeting for their advice and consent.

Sec. 7. *And be it further enacted*, That the superintendent general of military supplies shall be authorized to employ a sufficient number of clerks: *Provided*, That their annual compensation shall not exceed in the whole seven thousand dollars; and the sum of eight thousand dollars is hereby appropriated for paying the said compensation, and that of the superintendent aforesaid, during the year one thousand eight hundred and thirteen, to be paid out of any money in the Treasury, not otherwise appropriated.

Sec. 8. *And be it further enacted*, That the President of the United States be, and he is hereby, empowered, as he may deem it expedient, either to appoint for the time being a special commissary or commissaries for the purpose of supplying, by purchase or contract, and of issuing, or to authorize any officer or officers in the quartermaster general's department to supply and issue, as aforesaid, the whole or any part of the army, in cases where, either from the want of contractors, or from any deficiency on their part, or from any other contingency, such measure may be proper and necessary in order to insure the subsistence of the army or of any part thereof; and such special commissaries shall each, whilst employed, be entitled to the pay and emoluments of a deputy quartermaster general.

Sec. 9. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized to appoint not exceeding six assistant commissaries, to be attached to such army, or to reside at such places respectively as the Secretary for the War Department may direct, for the purpose of receiving from the commissary general of purchases, or from his deputies, and of distributing to the regimental quartermasters, and to such officers as may, by the Secretary aforesaid, be designated, the clothing and other supplies purchased by the commissary general aforesaid, or his deputies, and destined for the use of the troops belonging to the army, or in the vicinity of the place to which such assistant commissaries may respectively be attached. And said assistant commissaries shall, whilst employed, be entitled to the pay and emoluments of a deputy quartermaster general.

Approved, March 3, 1813.

An Act to authorize the Secretary of the Treasury to provide new certificates of registry.

Be it enacted, &c., That it shall be the duty of the Secretary of the Treasury to cause to be provided blank certificates of registry, and such other papers as may be necessary, executed in such manner, and with such marks as he may direct; and from and after the thirty-first day of December, one thousand eight hundred and fourteen, no certificate of registry shall be issued, except

such as shall have been provided and marked as aforesaid; and the ships or vessels of the United States, which shall have been duly registered as such, shall be entitled to new certificates of registry (gratis) in exchange for their old certificates of registry. And it shall be the duty of the respective collectors, on departure of any such ship or vessel, after the said thirty-first day of December, one thousand eight hundred and fourteen, from any district to which such ship or vessel shall belong, to issue a new certificate accordingly, and to retain and deface the former certificate.

SEC. 2. *And be it further enacted*, That a sum not exceeding ten thousand dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to carry this act into effect.

Approved, March 3, 1813.

An Act rewarding the officers and crew of the frigate Constitution, and the officers and crew of the Wasp.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to have distributed, as prize money, to Captain Isaac Hull, of the frigate Constitution, his officers and crew, the sum of fifty thousand dollars for the capture and destruction of the British frigate Guerriere; and the like sum, in like manner, to Captain William Bainbridge, his officers and crew, for the capture and destruction of the British frigate Java; and the sum of twenty-five thousand dollars, in like manner, to Captain Jacob Jones, of the sloop of war Wasp, his officers and crew, for the capture of the British sloop of war Frolic; and that the sum of one hundred and twenty-five thousand dollars, out of any money in the Treasury not otherwise appropriated, be, and the same is hereby, appropriated for the purposes aforesaid.

Approved, March 3, 1813.

An Act for the better organization of the general staff of the Army of the United States.

Be it enacted, &c., That the adjutant general's, inspector general's, and quartermaster general's departments shall consist of the following officers, that is to say: an adjutant and inspector general, with the rank, pay, and emoluments of a brigadier general, and not exceeding eight adjutants general, sixteen assistant adjutants general, eight topographical engineers, eight assistant topographical engineers, eight inspectors general, sixteen assistant inspectors general, eight quartermasters general, eight deputy quartermasters general, and thirty-two assistant deputy quartermasters general.

SEC. 2. *And be it further enacted*, That the President of the United States be, and is hereby, authorized, if he shall deem it expedient, to assign one of the brigadiers general to the principal army of the United States, who shall, in such case, act as adjutant and inspector general, and as chief of the staff of such army; and the quartermaster general attached to the principal army shall, as heretofore, have the brevet rank, and the pay and emoluments of a brigadier general.

SEC. 3. *And be it further enacted*, That all the other adjutants shall have the brevet rank, and the pay and emoluments of a colonel of cavalry; all the other inspectors general, and quartermasters general, shall have the brevet rank, and the pay and emoluments of a colonel of infantry; the assistant adjutants general, assistant inspectors general, deputy quartermasters general, and topographical engineers, shall have the brevet rank, and the pay and emoluments of a major of cavalry; and the assistant topographical engineers, and assistant deputy quartermasters general, shall have the brevet rank, and the pay and emoluments of a captain of infantry.

SEC. 4. *And be it further enacted*, That the assistant adjutants general, the assistant inspectors general, and the assistant topographical engineers, shall be taken from the line. The adjutants general, inspectors general, quartermasters general, deputy quartermasters general, topographical engineers, and assistant deputy quartermasters general, may be taken from the line, or not, as the President may deem expedient. And officers taken from the line, and transferred to the staff, shall receive only the pay and emoluments attached to the rank in the staff; but their transfer shall be without prejudice to their rank and promotion in the line, according to their said rank and seniority, which promotion shall take place according to usage, in the same manner as if they had not been thus transferred.

SEC. 5. *And be it further enacted*, That it shall be the duty of the Secretary of the War Department, and he is hereby authorized, to prepare general regulations, better defining and prescribing the respective duties and powers of the several officers in the adjutant general, inspector general, quartermaster general, and commissary of ordnance departments, of the topographical engineers, of the aids of generals, and generally of the general and regimental staff; which regulations, when approved by the President of the United States, shall be respected and obeyed, until altered or revoked by the same authority. And the said general regulations, thus prepared and approved, shall be laid before Congress at their next session.

SEC. 6. *And be it further enacted*, That the number of assistant deputy commissaries of ordnance shall not exceed sixteen, and that they shall respectively be entitled to the brevet rank, and to the pay and emoluments of a first lieutenant of infantry.

SEC. 7. *And be it further enacted*, That, for the better superintendence and management of the hospital and medical establishment of the Army of the United States, there shall be a physician and surgeon general, with an annual salary of two thousand five hundred dollars, and an apothecary general, with an annual salary of eighteen hundred dollars; whose respective duties and powers shall be prescribed by the President of the United States.

SEC. 8. *And be it further enacted*, That the

forage, wagon, and barrack masters shall be appointed as heretofore; but each quartermaster general, attached to any separate army, command, or district, shall be authorized, with the approbation, and under the direction, of the Secretary of the War Department, to appoint as many such officers, and to employ as many artificers, mechanics, and laborers, as the public service may require.

SEC. 9. *And be it further enacted*, That the assistant deputy quartermasters general may be appointed, and officers taken from the line and transferred to the staff, may be thus transferred by the President of the United States alone. But all other new appointments authorized by this act shall be made by the President of the United States, with the advice and consent of the Senate. *Provided*, That, during the recess of the Senate, such appointments may be made by the President alone, in which case the same shall be laid before the Senate at their next session for their advice and consent.

SEC. 10. *And be it further enacted*, That every act, and every part of an act of Congress, now in force, within the purview and meaning of this act, be, and the same are hereby, repealed.

SEC. 11. *And be it further enacted*, That all letters and packets to and from the adjutant and inspector general, adjutants general, inspectors general, quartermasters general, commissary general of ordnance, physician, and surgeon general, and apothecary general, which relate to their official duties, shall be free from postage.

SEC. 12. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized to appoint any of the officers authorized by an act, entitled "An act making provision for an additional number of general officers," passed the twenty-fifth day of February, one thousand eight hundred and thirteen, during the recess of the Senate, to be submitted to the Senate at their next session for their advice and consent; and that no officer appointed, or who may be appointed, by virtue of the aforesaid act, shall be entitled to receive any pay or emolument until he shall be called into actual service, nor for any longer time than he shall be continued therein.

Approved, March 3, 1813.

An Act to revive and continue in force "An act declaring the consent of Congress to an act of the State of Georgia, passed the twelfth day of December, one thousand eight hundred and four, establishing the fees of the harbor master and health officer of the ports of Savannah and St. Mary's."

Be it enacted, &c., That the act of Congress, passed the second day of March, one thousand eight hundred and eleven, entitled "An act declaring the consent of Congress to an act of the State of Georgia, passed the twelfth day of December, one thousand eight hundred and four, establishing the fees of the harbor master and health officer of the ports of Savannah and St. Mary's," be, and the same is hereby, revived and continued in force for one year, and from thence to the end of the next session of Congress, and no longer.

Approved, March 3, 1813.

An Act supplementary to the act for increasing the Navy.

Be it enacted, &c., That the President be and he is hereby authorized to have built six sloops of war, and to have the same manned, equipped, and commissioned for service; and that the President be authorized to have built, or procured, such a number of sloops of war, or other armed vessels, to be manned, equipped, and commissioned, as the public service may require, on the lakes.

SEC. 2. *And be it further enacted*, That the President be and he is hereby authorized to appoint such officers, and to employ the number of seamen which may be necessary for such vessels as are authorized by law to be put in commission, any law to the contrary notwithstanding.

SEC. 3. *And be it further enacted*, That for the building or procuring said vessels, and for the payment of two hundred thousand dollars, for vessels already procured on the lakes, by direction of the President, that the sum of nine hundred thousand dollars, out of any money in the Treasury, not otherwise appropriated, be and the same is hereby appropriated.

SEC 4. *And be it further enacted*, That the sum of one hundred thousand dollars be appropriated for the purpose of establishing a dock yard, for repairing the vessels of war, in such central and convenient place on the seaboard as the President of the United States shall designate.

SEC. 5. *And be it further enacted*, That the President be and he is hereby authorized to contract for the building any of the six forty-four gun ships authorized by law: *Provided*, That the building be under inspection of an agent appointed by the Secretary of the Navy.

SEC. 6. *And be it further enacted*, That the President of the United States be authorized to sell or dispose of such and so many of the gunboats belonging to the United States as may have become unfit for service, or as, in his judgment, may no longer be necessary to be retained by the Government.

Approved, March 3, 1813.

An Act making appropriations for the support of the Navy of the United States, for the year one thousand eight hundred and thirteen.

Be it enacted, &c., That, for defraying the expenses of the Navy, during the year one thousand eight hundred and thirteen, the following sums be, and the same hereby are, respectively appropriated, that is to say:

For the pay and subsistence of the officers, and pay of the seamen, one million six hundred and sixty-eight thousand dollars; and for pay due to the officers and crews of the public ships and other vessels in commission, for the year one thou-

sand eight hundred and twelve, three hundred and sixty-five thousand dollars.

For provisions, seven hundred and seventy-five thousand dollars.

For medicines, instruments, hospital stores, and all expenses on account of the sick, one hundred thousand dollars.

For repair of vessels, six hundred and forty thousand dollars.

For freight, store rent, and all other contingent expenses, two hundred and fifty thousand dollars.

For expenses of navy yards, comprising docks and other improvements, pay of superintendents, store-keepers, clerks, and laborers, ninety thousand dollars.

For ordnance, and for ordnance and military stores, one hundred thousand dollars.

For pay and subsistence of the marine corps, including provisions for those on shore, and forage for the staff, two hundred and forty-five thousand three hundred and ninety-one dollars and seventy cents.

For clothing for the same, seventy-one thousand seven hundred and eighty-eight dollars and ten cents.

For military stores for the same, twenty-seven thousand six hundred and eight dollars and seventy-five cents.

For medicines, medical services, hospital stores, and all other expenses on account of the sick belonging to the marine corps, twenty thousand dollars.

For quartermasters' and barrack masters' stores, officers' travelling expenses, armorers' and carpenters' bills, fuel, premiums for enlisting men, musical instruments, bounty to music, and other contingent expenses of the marine corps, forty-six thousand dollars.

Sec. 2. *And be it further enacted*, That the several sums specifically appropriated by this act shall be paid out of any moneys in the Treasury not otherwise appropriated.

Approved, March 3, 1813.

An Act making appropriations for the support of the Military Establishment, and of the volunteer militia in the actual service of the United States, for the year one thousand eight hundred and thirteen.

Be it enacted, &c., That, for defraying the expenses of the Military Establishment of the United States, including the volunteers and militia, in their actual service, for the year one thousand eight hundred and thirteen, for the Indian department, and for the expense of fortifications, arsenals, and armories, the following sums, including the sum of one million of dollars already appropriated by the first section of the act, entitled "An act making certain partial appropriations for the year one thousand eight hundred and thirteen," be, and the same are hereby, respectively appropriated, that is to say:

For the pay of the Army of the United States, including the pay of the artificers and laborers in the quartermaster general's and ordnance departments, and of the private servants kept by officers, and for the pay of the volunteers and militia in the actual service of the United States, five million one hundred and sixty-eight thousand eight hundred and three dollars.

For forage to officers, one hundred and nine thousand two hundred and twenty-four dollars.

For the subsistence of the army, and volunteers, and militia, two million nine hundred and seventy-seven thousand five hundred and thirty-one dollars.

For clothing, two million fifteen thousand eight hundred and eighty-four dollars.

For bounties and premiums, five hundred and fifty-seven thousand seven hundred and forty dollars.

For camp and field equipage, two hundred and seventy thousand dollars.

For the medical and hospital department, two hundred thousand dollars.

For ordnance and ordnance stores, nine hundred and twenty-eight thousand dollars.

For fortifications, four hundred and ninety-seven thousand dollars.

For arsenals, magazines, and armories, three hundred and fifty-two thousand two hundred and eight dollars.

For the quartermaster general's department, including fuel, straw, barrels, quarters, tools, and all the expenses incident to transportation, two million three hundred thousand dollars.

For contingencies, three hundred and five thousand three hundred and seventeen dollars.

For purchasing books, maps, and plans, two thousand five hundred dollars.

For the salary of the commissary general of purchases, three thousand dollars.

For the salary of the clerks employed in the offices of the adjutant general, of the commissary general, and of the quartermaster general, eight thousand dollars.

For the purchase of books and apparatus for the military academy, twelve thousand dollars.

For the Indian department, one hundred and sixty-four thousand five hundred dollars.

For the repayment of the sum of five hundred and twenty-seven dollars, being a balance due the State of Maryland, of moneys paid by that State to the United States, as the purchase money of public arms, which have not been fully supplied.

Sec. 2. *And be it further enacted*, That the several sums specifically appropriated by this act shall be paid out of any moneys in the Treasury not otherwise appropriated.

Approved, March 3, 1813.

An Act making an appropriation for alterations and repairs in the Capitol.

Be it enacted, &c., That a sum not exceeding five thousand dollars shall be and the same is hereby appropriated, to be applied under the direction of the President of the United States, in such repairs or alterations in the Chamber of the House of Representatives as may be necessary for their accommodation in their future sessions,

having in view as well the increased number of the members as the better lighting, ventilating, and warming the Chamber; which sum shall be paid out of any money in the Treasury not otherwise appropriated.

SEC. 2. *And be it further enacted*, That five hundred dollars be appropriated to repair the roof of the Capitol, to be paid out of any money in the Treasury not otherwise appropriated.

Approved, March 3, 1813.

An Act making appropriation for the support of Government for the year one thousand eight hundred and thirteen.

Be it enacted, &c., That, for the expenditure of the civil list, in the present year, including the contingent expenses of the several departments and offices, for the compensation of the several loan officers and their clerks, and for books and stationery for the same; for the payment of annuities and grants; for the support of the mint establishment; for the expense of intercourse with foreign nations; for the support of light-houses, beacons, buoys, and public piers; for defraying the expenses of surveying the public lands; and for satisfying certain miscellaneous claims, the following sums be, and the same are hereby, respectively appropriated, that is to say:

For compensation granted by law to the members of the Senate and House of Representatives, their officers, and attendants, estimated for a session of four months and a half continuance, one hundred and ninety-six thousand two hundred and fifty-five dollars.

For the expense of fire-wood, stationery, printing, and all other contingent expenses of the two Houses of Congress, fifty-two thousand dollars.

For all contingent expenses of the library of Congress, and for the librarian's allowance, for the year one thousand eight hundred and thirteen, eight hundred dollars.

For compensation to the President and Vice President of the United States, thirty thousand dollars.

For compensation to the Secretary of State, clerks, and persons employed in that department, including a deficiency of one thousand one hundred and twenty-five dollars, in last year's appropriation, fifteen thousand two hundred and fifty-eight dollars.

For compensation to a clerk on old records in the said department, for the year eighteen hundred and thirteen, one thousand one hundred and fifty dollars.

For compensation to a messenger to the Patent office, two hundred dollars.

For additional compensation to the clerks in the said department, not exceeding fifteen per centum, in addition to the sum allowed by the act, entitled "An act to regulate and fix the compensation of clerks, and to authorize the laying out certain certain public roads, and for other purposes," one thousand and seventy-two dollars and fifty-four cents.

For the incidental and contingent expenses of the said department, one thousand five hundred dollars.

For printing and distributing the laws of the second session of the twelfth Congress, and printing the laws in newspapers, including the sum of six thousand two hundred and eighty-two dollars, to make good a deficiency in the appropriation for this object in the year one thousand eight hundred and twelve, thirteen thousand six hundred and twenty-two dollars.

For compensation to the Secretary of the Treasury, clerks, and persons employed in his office, including a deficiency of ten dollars in last year's appropriation, thirteen thousand three hundred and nine dollars and eighty-one cents.

For expense of translating foreign languages, allowance to the person employed in transmitting passports and sea letters, and for stationery and printing in the office of the Secretary of the Treasury, one thousand dollars.

For compensation to the Comptroller of the Treasury, clerks, and persons employed in his office, including the sum of two thousand eight hundred and eighty-nine dollars for compensation to his clerks, in addition to the sum allowed by the act of the twenty-first of April, one thousand eight hundred and six, fifteen thousand eight hundred and sixty-six dollars.

For expense of stationery, printing, and incidental and contingent expenses of the Comptroller's office, eight hundred dollars.

For compensation to the Auditor of the Treasury, clerks, and persons employed in his office, twelve thousand two hundred and twenty-one dollars.

For expense of stationery, printing, and incidental and contingent expenses of the Auditor's office, five hundred dollars.

For compensation to the Treasurer, clerks, and persons employed in his office, including a sum of one thousand dollars for compensation to his clerks, in addition to the sum allowed by the act of the twenty-first of April, one thousand eight hundred and six, seven thousand two hundred and twenty-seven dollars and forty-five cents.

For expenses of stationery, printing, and incidental and contingent expenses of the Treasurer's office, one thousand three hundred dollars.

For compensation to the Commissioner of the General Land Office, clerks, and persons employed in his office, including the sum of five hundred and eighty-five dollars and twenty-four cents, for extra services of clerks, and for the service of a messenger during the year one thousand eight hundred and twelve, ten thousand nine hundred and ninety-five dollars.

For expense of stationery, printing, and incidental and contingent expenses of the Commissioner's office, including four hundred and seventy four dollars and twenty cents, to defray those expenses in the year one thousand eight hundred and twelve, seven hundred and twenty-four dollars and twenty cents.

For the expense of vellum and printing land patents, including the sum of fifteen hundred and six dollars and twenty-five cents, for defraying

the expense incurred for that object, in the year one thousand eight hundred and twelve, four thousand three hundred and six dollars and twenty-five cents.

For compensation to the Register of the Treasury, clerks, and persons employed in his office, sixteen thousand and fifty-two dollars and two cents.

For additional compensation to the clerks in the Treasury Department, not exceeding fifteen per centum, in addition to the sum allowed by the act, entitled "An act to regulate and fix the compensation of clerks, and to authorize the laying out certain public roads, and for other purposes," six thousand six hundred and thirty-four dollars and nine cents.

For compensation to the messenger of the Register's office, for stamping and arranging ships' registers, ninety dollars.

For expense of stationery, printing, and all other incidental and contingent expenses in the Register's office, including books for the public stocks, and for the arrangement of the marine records, two thousand eight hundred dollars.

For fuel, and other contingent and incidental expenses of the Treasury Department, four thousand dollars.

For the purchase of books, maps, and charts, for the use of the Treasury Department, four hundred dollars.

For compensation to a Superintendent, employed to secure the buildings and records of the Treasury Department, during the year one thousand eight hundred and thirteen, including the expense of two watchmen, the repairs of two fire engines, buckets, lanterns, and other incidental and contingent expenses, one thousand one hundred dollars.

For defraying the expense of stating and printing the public documents for the year one thousand eight hundred and thirteen, one thousand two hundred dollars.

For compensation to the Secretary of the Commissioners of the Sinking Fund, two hundred and fifty dollars.

For compensation to the Secretary of War, clerks, and persons employed in his office, including the sum of three thousand nine hundred and sixty dollars for clerk hire, in addition to the sum allowed by the act of April twenty-first, one thousand eight hundred and six, fifteen thousand two hundred and ten dollars.

For expense of fuel, stationery, printing, and other contingent expenses in the office of the Secretary of War, two thousand dollars.

For compensation to the Accountant of the War Department, clerks, and persons employed in his office, including the sum of five thousand dollars for clerk hire, in addition to the sum allowed by the act of the twenty-first of April, one thousand eight hundred and six, fifteen thousand nine hundred and ten dollars.

For additional compensation to the clerks in the War Department, not exceeding fifteen per centum, in addition to the sum allowed by the act, entitled "An act to regulate and fix the compensation of clerks, and to authorize the laying out certain public roads, and for other purposes," two thousand two hundred and twenty-six dollars.

For contingent expenses in the office of the Accountant of the War Department, one thousand dollars.

For compensation to the clerks employed in the Paymaster's office, nine thousand and ninety dollars.

For compensation to a messenger for the Paymaster's office, four hundred and ten dollars.

For contingent expenses in the said office, five hundred dollars.

To Doyle Sweeny, for compensation for his services as clerk in the office of Purveyor of Public Supplies, in the year one thousand eight hundred and ten, one hundred and twenty-five dollars.

For compensation to the Secretary of the Navy, clerks, and persons employed in his office, including the sum of one thousand six hundred dollars clerk hire, in addition to the sum allowed by the act of the twenty-first of April, one thousand eight hundred and six, eleven thousand four hundred and ten dollars.

For expenses of stationery, fuel, printing, and other contingent expenses in the said office, two thousand dollars.

For compensation to the Accountant of the Navy, clerks and persons employed in his office, ten thousand four hundred and ten dollars.

For contingent expenses in the office of the Accountant of the Navy, one thousand dollars.

For additional compensation to the clerks in the Navy Department, not exceeding fifteen per centum in addition to the sum allowed by the act, entitled "An act to regulate and fix the compensation of clerks, and to authorize the laying out of certain public roads, and for other purposes," one thousand nine hundred and thirty-five dollars.

For compensation to the Postmaster General, Assistant Postmasters General, clerks, and persons employed in the Postmaster General's office, including the sum of three thousand five hundred and twelve dollars for compensation to clerks, in addition to the sum allowed by the act of the twenty-first of April, one thousand eight hundred and six, nineteen thousand five hundred and sixty-seven dollars.

For the expense of fuel, house rent for the messenger, candles, stationery, chests, &c., incident to the Postmaster General's office, two thousand eight hundred dollars.

For additional compensation to the clerks employed in the Postmaster General's office not exceeding fifteen per centum in addition to the sum allowed by the act, entitled "An act to regulate and fix the compensation of clerks, and to authorize the laying out certain public roads, and for other purposes," one thousand four hundred and one dollars and seventy-five cents.

For compensation to the several Loan officers, thirteen thousand two hundred and fifty dollars.

For compensation to the clerks of the Commis-

sioners of Loans, including a sum of two thousand dollars in addition to the amount heretofore allowed by law, and for allowance to certain Loan officers, in lieu of clerk hire, and to defray the authorized expense of the several Loan offices, seventeen thousand dollars.

For compensation to the Surveyor General and his clerks, three thousand two hundred dollars.

For compensation to the Surveyor of the lands south of Tennessee, clerks employed in his office, and for stationery and other contingencies, including the sum of one thousand five hundred dollars for clerk hire, in addition to the sums heretofore appropriated for that object, four thousand seven hundred dollars.

For compensation to the officers of the Mint, viz:

The Director, two thousand dollars;

The Treasurer, one thousand two hundred dollars;

The Assayer, one thousand five hundred dollars;

The Chief Coiner, one thousand five hundred dollars;

The Melter and Refiner, one thousand five hundred dollars;

The Engraver, one thousand two hundred dollars;

One clerk, at seven hundred dollars, and

One clerk at five hundred dollars;

For wages to the persons employed in melting, coining, carpenters', millwrights', and smiths' work, including the sum of one thousand dollars allowed to an assistant coiner and die forger, who also oversees the execution of the iron work, and of six hundred dollars allowed to an assistant engraver, eight thousand five hundred dollars;

For repairs of furnaces, cost of rollers and screws, timber, bar-iron, lead, steel, potash, and for all other contingencies of the Mint, five thousand three hundred and four dollars and sixty-two cents;

For an allowance for wastage in the gold and silver coinage, three thousand dollars.

For compensation to the Governor, Judges, and Secretary, of the Mississippi Territory, nine thousand dollars.

For expense of stationery, office rent, and other contingent expenses of said Territory, three hundred and fifty dollars.

For compensation to the Governor, Judges, and Secretary, of the Indiana Territory, six thousand six hundred dollars.

For expense of stationery, office rent, and other contingent expenses of said Territory, three hundred and fifty dollars.

For compensation to the Governor, Judges, and Secretary, of the Michigan Territory, six thousand six hundred dollars.

For expense of stationery, office rent, and other contingent expenses of said Territory, three hundred and fifty dollars.

For compensation to the Governor, Judges, and Secretary, of the Missouri Territory, six thousand six hundred dollars.

For expense of stationery, office rent, and other contingent expenses of said Territory, three hundred and fifty dollars.

For compensation to the Governor, Judges, and Secretary, of the Illinois Territory, six thousand six hundred dollars.

For expense of stationery, office rent, and other contingent expenses of said Territory, three hundred and fifty dollars.

For the discharge of such demands against the United States, on account of the Civil Department, not otherwise provided for, as shall have been admitted in due course of settlement at the Treasury, two thousand dollars.

For compensation granted by law to the Chief Justice, the Associate Judges, and District Judges, of the United States, including the Chief Justice and two Associate Judges of the District of Columbia, and to the Attorney General, including the sum of nine hundred and fifty-three dollars and eighty-four cents, for the salary of the additional District Judge of the State of New York, for the year eighteen hundred and twelve, and a further sum of one thousand four hundred and fifty dollars, to make good a deficiency in the appropriation for the year eighteen hundred and twelve, for the compensation of the Attorney General, and of the District Judge of Louisiana, sixty-five thousand four hundred and three dollars and eighty-four cents.

For the like compensation granted to the several District Attorneys of the United States, three thousand four hundred dollars.

For compensation granted to the several Marshals for the districts of Maine, New Hampshire, Vermont, New Jersey, North Carolina, Kentucky, Ohio, East and West Tennessee, and Louisiana, two thousand two hundred dollars.

For defraying the expenses of the Supreme, Circuit, and District Courts of the United States, including the District of Columbia, and of jurors and witnesses, in aid of the funds arising from fines, forfeitures, and penalties, and for defraying the expenses of prosecutions for offences against the United States, and for the safe-keeping of prisoners, forty thousand dollars.

For the payment of sundry pensions granted by the late and present Government, eight hundred and sixty dollars.

For the payment of the annual allowance to the invalid pensioners of the United States, from the fifth of March, one thousand eight hundred and thirteen, to the fourth of March, one thousand eight hundred and fourteen, ninety-eight thousand dollars.

For expenses incident to the receiving the subscriptions to the loan of eleven millions of dollars, authorized by the act of the fourth of March, one thousand eight hundred and twelve, two thousand dollars, in addition to the sum already for that purpose appropriated.

For the maintenance and support of light-houses, beacons, buoys, and public piers, stakeages of channels, bars, and shoals; and certain contingent expenses, including twenty-four thousand dollars for completing the fitting up of all the light-houses

with Winslow Lewis's improvements, ninety-one thousand three hundred and forty-nine dollars and fifteen cents.

For erecting light-houses at the mouth of the Mississippi river, and at or near the pitch of Cape Lookout, in North Carolina, being the balance of a former appropriation carried to the surplus fund, thirty-four thousand nine hundred and ninety-five dollars and fifty cents.

For building a light-house at Nawshawn island, near Tarpaulin cove in Massachusetts, being the amount of a former appropriation carried to the surplus fund, two thousand four hundred and seventy-five dollars.

For erecting a beacon and placing buoys near the entrance of Savannah river, being an expense incurred under the act of the sixteenth of July, one thousand seven hundred and ninety-eight, carried to the surplus fund, two thousand four hundred and ninety-four dollars and eighty-nine cents.

For erecting two lights on Lake Erie, viz: on or near Bird island, and on or near Presque Isle, being the balance of a former appropriation carried to the surplus fund, one thousand five hundred and ninety dollars.

For placing buoys or beacons at or near the entrance of the harbor of Beverly, in Massachusetts, being the balance of a former appropriation carried to the surplus fund, three hundred and forty-one dollars and ninety-five cents.

For rebuilding the Baldhead light-house, in North Carolina, fifteen thousand dollars.

For placing a buoy at the entrance of Barnstable harbor, one hundred dollars.

For the support of sick and disabled seamen, in addition to the funds already appropriated by law, twenty thousand dollars.

For defraying the expense of surveying the public land within the several Territories of the United States, sixty-one thousand two hundred and sixty dollars.

For the payment of a claim for taking the second census or enumeration of the inhabitants of the United States, the sum appropriated for that object having been heretofore carried to the surplus fund, two hundred and seventy-seven dollars and twelve cents.

For the support and safe-keeping of prisoners of war, one hundred and fifty thousand dollars.

For bringing the votes for President and Vice President of the United States to the seat of Government, one thousand nine hundred and eleven dollars and fifty cents.

For paying the bounties which may become payable to the owners of private armed vessels, in conformity with the ninth section of the act of the twenty-sixth of June, one thousand eight hundred and twelve, ten thousand dollars.

For making the road from Cumberland, in the State of Maryland, to the State of Ohio, to be repaid out of the five per cent. fund, reserved for that purpose, one hundred and forty thousand dollars.

For pensions to the widows and children of officers and soldiers killed in the campaign of one thousand eight hundred and eleven, on the Wabash, from the seventh of November, one thousand eight hundred and eleven, to the thirty-first of December, one thousand eight hundred and thirteen, four thousand five hundred and seventeen dollars and twenty-seven cents.

For expenses of intercourse with foreign nations, thirty-five thousand four hundred dollars.

For the contingent expenses of intercourse with foreign nations, fifty thousand dollars.

For expenses of intercourse with the Barbary Powers, fifty thousand dollars.

For the relief and protection of distressed American seamen, fifteen thousand dollars.

For expenses of prosecuting claims and appeals in the Courts of France and Denmark, in relation to captures of American vessels, and defending causes elsewhere, four thousand dollars.

For the discharge of such miscellaneous claims against the United States, not otherwise provided for, as shall have been admitted in due course of settlement at the Treasury, four thousand dollars.

Sec. 2. *And be it further enacted*, That the several appropriations herein before made shall be paid and discharged out of the fund of six hundred thousand dollars, reserved by an act making provision for the debt of the United States, and of any moneys in the Treasury not otherwise appropriated.

Approved, March 3, 1813.

An Act for altering the time for holding the District Court in the District of Maine.

Be it enacted, &c., That the session of the district court for the district of Maine, by law appointed to be holden at Wiscasset on the first Tuesday in March, shall, from and after the first day of April next, be holden at Wiscasset on the last Tuesday of February, annually, any law to the contrary notwithstanding.

Approved, March 3, 1813.

An Act vesting in the President of the United States the power of retaliation.

Be it enacted, &c., That, in all and every case, wherein, during the present war between the United States of America and the United Kingdom of Great Britain and Ireland, any violations of the laws and usages of war among civilized nations, shall be or have been done and perpetrated by those acting under authority of the British Government, on any of the citizens of the United States, or persons in the land or naval service of the United States, the President of the United States is hereby authorized to cause full and ample retaliation to be made, according to the laws and usages of war among civilized nations, for all and every such violation as aforesaid.

Sec. 2. *And be it further enacted*, That, in all cases where any outrage or act of cruelty or barbarity shall be or has been practised by any Indian or Indians, in alliance with the British Government, or in connexion with those acting under the authority of the said Government, on citizens of the United States or those under its

protection, the President of the United States is hereby authorized to cause full and ample retaliation to be done and executed on such British subjects, soldiers, seamen, or marines, or Indians, in alliance or connexion with Great Britain, being prisoners of war, as if the same outrage or act of cruelty or barbarity had been done under the authority of the British Government.

Approved, March 3, 1813.

Resolution relative to the brilliant achievements of Captains Hull, Decatur, Jones, and Lieutenant Elliott.

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, requested to present to Captain Hull of the frigate Constitution, Captain Decatur of the frigate United States, and Captain Jones of the sloop-of-war Wasp, each, a gold medal, with suitable emblems and devices; and a silver medal, with like emblems and devices, to each commissioned officer of the aforesaid vessels, in testimony of the high sense entertained by Congress of the gallantry, good conduct, and services of the captains, officers, and crews of the aforesaid vessels, in their respective conflicts with the British frigates the Guerriere and the Macedonian, and sloop-of-war Frolic; and the President is also requested to present a silver medal, with like emblems and devices, to the nearest male relative of Lieutenant Bush, and one to the nearest male relative of Lieutenant Funk, in testimony of the gallantry and merit of those deceased officers, in whom their country has sustained a loss much to be regretted.

Sec. 2. *And be it further resolved*, That the President of the United States be, and he hereby is, requested to present to Lieutenant Elliott, of the navy of the United States, an elegant sword, with suitable emblems and devices, in testimony of the just sense entertained by Congress of his gallantry and good conduct in boarding and capturing the British brigs Detroit and Caledonia, while anchored under the protection of Fort Erie.

Approved, January 29, 1813.

Resolution requesting the President of the United States to cause to be prepared and laid before Congress a system of military discipline.

Resolved, &c., That the President of the United States be, and he is hereby, requested to cause to be prepared and laid before Congress, as soon as practicable, a military system of discipline for the infantry of the army and militia of the United States.

Approved, March 3, 1813.

Resolution requesting the President of the United States to present medals to Captain William Bainbridge and the officers of the frigate Constitution.

Resolved, &c., That the President of the United States be, and he is hereby, requested to present to Captain William Bainbridge, of the frigate Constitution, a gold medal, with suitable emblems and devices; and a silver medal, with suitable emblems and devices, to each commissioned officer of the said frigate, in testimony of the high sense entertained by Congress of the gallantry, good conduct, and services of Captain Bainbridge, his officers and crew, in the capture of the British frigate Java, after a brave and skilful combat.

Approved, March 3, 1813.

INDEX

TO THE PROCEEDINGS AND DEBATES OF THE SECOND SESSION OF THE TWELFTH CONGRESS.

SENATE.

A. Page.

Abolition of Slavery, Mr. Bradley presented the memorial of the Pennsylvania Society for the, read - - - - - - - 87

Acts of Congress, Mr. Bayard submitted a resolution directing the Secretary of the Senate to cause to be printed for the use of Senators the, of the present session, and such as may be passed from time to time hereafter - - - - - - - 93
adopted - - - - - - - - 98

Additional Military Force, a bill from the House of Representatives in addition to the act to raise an, read, &c. - - - - - 52
read a second time, and referred - - 53
reported without amendment - - - 54
ordered to a third reading - - - - 62
read a third time, and passed - - - 63

Additional Officers, a bill authorizing the appointment of, in the respective Territories, read, &c. - - - - - - - 85
read a second time - - - - - 88
ordered to a third reading - - - - 103
read a third time, and passed - - - 106

Algerine Cruisers, a bill to protect commerce and seamen against, read, &c. - - - - 112

Algiers, the President of the United States transmitted copies of a letter from the Consul General, &c., at - - - - - - 21
referred to the Committee on relations with foreign Powers - - - - - 27

Aliens, a Message from the President, on the subject of - - - - - - - 17

American Seamen, on motion of Mr. Dana, the Secretary of State was directed to report the number annually registered, &c. - 66
a report in obedience thereto - - - 92

Anderson, Mr., of Tennessee, appeared, and took his seat - - - - - - - - 19

Armed Vessels of the Enemy, a bill more effectually to encourage the destruction of the, read, &c. - - - - - - - - 84
read a second time - - - - - 87
amended - - - - - - - - 95
ordered to a third reading - - - - 103
read a third time, and passed - - - 106

Army of the United States, a bill from the House of Representatives relating to the pay of non-commissioned officers, &c., of the, read, &c. - - - - - - - 22
read a second time, and referred - - 23
reported with amendments - - - 24
ordered to a third reading as amended - 25
read a third time, and passed with amendments - - - - - - - - 25

Army of the United States—continued Page.
returned from the House of Representatives with amendment to the amendments, and concurred in - - - - - - - - 27
a bill from the House of Representatives supplementary to the act for the more perfect organization of the, read - - - - 38
read a second time, and referred - - 39
reported with an amendment - - - 41
further amended, and ordered to a third reading - - - - - - - 45
read a third time, and passed as amended - 45
a bill, the better to provide for the supplies of the, read - - - - - - 101
read a second time - - - - - 104
ordered to a third reading - - - - 109
read a third time, and passed - - - 111
a bill for the better organization of the general staff of the, read - - - - 104
read a second time, and ordered to a third reading - - - - - - - 113
read a third time, and passed - - - 114
returned from the House of Representatives with amendments, and concurred in - 117

Arundel Margaret, Mr. Leib presented the petition of, referred - - - - - 76
the committee discharged - - - - 97

Attwater, Reuben Mr. Bradley presented the petition of, referred - - - - - 39
a bill for the relief of, read, &c. - - - 66
read a second time - - - - - 67
ordered to a third reading - - - - 68
read a third time, and passed - - - 69

B.

Bainbridge, Captain, a Message from the President of the United States, communicating a letter from, giving an account of his capture and destruction of the British frigate Java, referred to the Naval Committee - 97
(See *Medals.*)

Bank of Washington, Mr. Bradley presented a petition of the, praying authority to increase their capital, referred to a committee - - - - - - - - 36
a bill from the House of Representatives authorizing the increase of capital, read - 72
read a second time - - - - - - 74
referred to a committee - - - - - 77
reported without amendment - - - 88
indefinitely postponed - - - - - 102

Barbary Powers, a bill from the House of Representatives to continue in force the first section of the act further to protect the commerce and seamen of the United States against the, read - - - - - 100

Barbary Powers—continued. Page.
read a second time, and ordered to a third reading - - - - - - - 102
read a third time, and passed - - - 107
Bayard, James A., of Delaware, appeared, and took his seat - - - - - - - 41
Bayly, Mountjoy, Sergeant-at-Arms and Doorkeeper, authorized to employ assistant, &c. 17
Berlin and Milan Decrees, Mr. Horsey submitted a resolution asking information as to the definitive repeal of the - - - - - 53
the resolution amended, and agreed to - 54
Bibb, George M., of Kentucky, appeared, and took his seat - - - - - - - 25
Bible Society of Philadelphia, Mr. Leib presented the memorial of, referred - - - - 51
a bill for the relief of the, read - - - 52
read a second time, and ordered to a third reading - - - - - - - - 53
read a third time, and passed - - - 54
Binnion, John, a bill from the House of Representatives for relief of, read - - - 41
read a second time, and referred - - 42
reported without amendment, and ordered to a third reading - - - - - 53
read a third time, and passed - - - 54
Boardman and Pope, Mr. Lloyd presented the memorial of, referred - - - - 20
Boston, the same presented a memorial from the merchants of - - - - - - - 20
Bowen, Benjamin, additional compensation allowed, to as waiter - - - - - 118
Brackenridge, Rev. John, appointment of as Chaplain - - - - - - - - 18
Bradley, Stephen R., of Vermont, appeared, and took his seat - - - - - - - 22
Brent, Richard, of Virginia, appeared, and took his seat - - - - - - - - 24
Brevard, Joseph, a bill for the relief of, read - 86
read a second time, and referred - - 88
reported without amendment - - - 92
postponed indefinitely - - - - - 118
British Armed Brigs Detroit and Caledonia, on motion of Mr. Gregg, the Secretary of the Navy was directed to lay before the Senate any correspondence that may have taken place relative to the capture and disposition of the - - - - - - 41
a report of the correspondence asked for - 46
British Manufactures, a select committee appointed to inquire into the subject of vessels arriving in the United States laden with - 18
British West Indies, a Message from the President of the United States, communicating a proclamation of the Lieutenant Governor of Bermuda offering licenses, &c., referred - - - - - - 105
Brown, James, appointed a Senator by the Legislature of Louisiana, in place of J. N. Destrehan, resigned, produced his credentials, was qualified, &c. - - - - - 74
Business, a committee appointed under the 42d rule for conducting - - - - - 10
a committee appointed under the 22d rule 11
a committee on the suspension of 12th rule 118

C.

Cape of Good Hope, a bill to admit vessels from British ports beyond the, read - - - 33

Cape of Good Hope—continued. Page.
read, a second time, and ordered to a third reading - - - - - - - 34
read a third time, and passed - - - 34
returned from the House with amendments 59
concurred in - - - - - - - 62
Capitol, a bill from the House of Representatives making appropriations for alterations and repairs of the, twice read, and referred - - - - - - - - 115
reported with amendments - - - 117
read a third time, and passed as amended - 120
Certificates of Entry, a bill from the House of Representatives to authorize the Secretary of the Treasury to provide new, read three times, and passed - - - 120
Chacherie, Lewis, a resolution respecting compensation to, was referred to the Committee on Public Lands - - - - - 28
a bill for relief of, read - - - - - 45
read a second time, and referred - - 51
reported with amendments - - - 61
ordered to a third reading - - - - 62
read a third time, and passed - - - 64
Chaplains, Mr. German submitted a resolution for the appointment of two, read - - 11
read a second and third time, and passed - 17
Chauncey, Commodore Isaac, a letter from, to the Secretary of the Navy - - - 49
Clerks, report of the Secretary of the Treasury of sums paid to, in his Department - 73
report of the Secretary of War of sums paid to, in his Department - - - - 78
Collectors of Customs, statement of the emoluments of, &c. from 1812, reported - - 106
Compton, William, Mr. Leib presented the memorial of, referred - - - - - - 67
committee discharged - - - - 86
Condict, John, of New Jersey, appeared, and took his seat - - - - - - - 18
Congress, a bill from the House of Representatives to alter the time for the next meeting of, twice read - - - - - - 106
read a third time, and passed - - - 110
a joint resolution from the House of Representatives agreed to, and a committee appointed to wait on the President and inform him of the proposed recess of - 120
Constitution, Mr. Turner, under instructions from the State of North Carolina, submitted a resolution proposing an amendment of the, read - - - - - - - 57
read a second time, and referred - - 58
reported with amendments - - - 77
ordered to a third reading as amended - 89
read a third time, and passed - - - 91
Constitution and Wasp, a bill providing compensation to the officers and crews of the, for capturing and destroying the British frigates Guerriere and Java, and the sloop of war Frolic, read - - - - - - 98
read a second time - - - - - - 104
Constitution Frigate, a bill from the House of Representatives rewarding the officers and crew of the, read twice, amended, and ordered to a third reading - - - - 103
read a third time, and passed as amended - 106
Contingent Expenses, the President af the United States transmitted an account of the 42

Page.

Converce, Royal, a bill from the House of Representatives for relief of, read twice, and referred - - - - - - 69
reported without amendment - - - 70
ordered to a third reading - - - - 95
read a third time, and passed - - - 96
Crawford, William H., President *pro tem.*, took the Chair - - - - - - - 9
Crowninshield, B. W., Mr. Varnum presented the memorial of, referred - - - 30
Crowninshield, George, and others, Mr. Varnum presented the memorial of, referred - 107
committee discharged - - - - - 110
Cumberland Road, the President of the United States transmitted the report of the Commissioners under the act to regulate, &c., the - - - - - - - - - 117

D.

Dana, Samuel W., of Connecticut, appeared, and took his seat - - - - - - 30
Day, Sylvester, Mr. Bradley presented the petition of Doctor, referred - - - - - 104
committee discharged, and subject postponed to next session - - - - - 108
Debrow, Henry, and others, Mr. Bradley presented the petitions of - - - - - 43
Decatur, Captain Stephen, the President of the United States transmitted copies of a letter from, giving an account of his capture of the British frigate Macedonian - - 30
a joint resolution from the House of Representatives complimenting, on his brilliant achievement, read twice, and referred to the Naval Committee - - - - - 37
reported amended by adding other names - 38
ordered to a third reading as amended - 63
read a third time, and passed - - - - 64
Delaware, a bill to increase the salary of the district judge of, read - - - - - 65
read a second time, and referred - - 66
reported with amendment - - - 69
ordered to a third reading as amended - 76
read a third time, and passed - - - 76
Detachment from the Militia, a bill from the House of Representatives making appropriations to defray the expenses under the act to authorize a, read twice, and referred 23
reported without amendment - - - 25
amended, and ordered to a third reading - 26
read a third time, and passed - - - 27
D'Wolf, James, and others, Mr. Howell presented the memorial of, referred - - 29
Diplomatic Correspondence, on motion of Mr. Dana, a certain old, of Mr. Rufus King, was ordered to be printed - - - 74
Discipline of the Army, a bill establishing the, read a first and second time - - - 69
District and Territorial Judges, a bill from the House of Representatives relating to, read 27
read a second time - - - - - - 28
referred to a select committee - - - 29
reported without amendment - - - 30
ordered to a third reading - - - 32
read a third time, and passed - - - 33
District Courts, a bill from the House of Representatives to alter the time for holding the, for the Districts of New York and Virginia, &c., read - - - - - - 100

District Courts—continued. Page.
read a second time, and referred - - 102
reported with amendments - - - 109
ordered to a third reading - - - 114
read a third time, and passed with amendments - - - - - - - - 119
Dixon, John, and John Murray, a bill from the House of Representatives for the relief of, read - - - - - - - - 59
read a second time - - - - - 61
referred to a select committee - - - 63
reported without amendment - - - 72
ordered to a third reading - - - 82
read a third time, and rejected - - - 85
the vote of rejection reconsidered, and the bill passed - - - - - - - 86
Documents, Mr. Campbell on leave introduced a bill to authorize the transportation of certain, free of postage, read three times, and passed - - - - - - - - 18
vote reconsidered, and the bill indefinitely postponed - - - - - - - 19
a bill from the House of Representatives of the same tenor, read three times, and passed - - - - - - - - 19
Dodd, Richard, and Elijah Bryan, Mr. Leib presented the petition of, referred - - - 67
committee discharged - - - - 86
Duane, William, a letter from, on the subject of military tactics, read - - - - - 43
referred to a select committee - - - 51

E.

Elementary Exercise, a bill establishing an, for the infantry, &c., read - - - - - 92
read a second time, and referred - - 93
reported without amendment - - - 107
indefinitely postponed - - - - 119
Elliott, Lieutenant Jesse D., a letter from, to the Secretary of the Navy, giving an account of his capture of the British sloops-of-war Detroit and Caledonia - - - - - 46
a letter from, to Commodore Chauncey - 49
a letter to, from the Secretary of the Navy, conveying the President's approval of his conduct - - - - - - - 50
a joint resolution complimenting him - 64
Ellis, Samuel, a bill from the House of Representatives for relief of, read - - - - 86
read a second time - - - - - 88
referred to a select committee - - - 103
reported without amendment - - - 112
indefinitely postponed - - - - - 119
Encouragement to Marines and Seamen, on motion of Mr. Giles, a committee was appointed to inquire into the expediency of offering, to bring into any of the United States ports British public or private armed ships, &c. - - - - - - 29
Erving and Smith, and others, Mr. Lloyd presented the petition of, referred - - - 97
Evans, Oliver, Mr. Bayard presented the memorial of, replying to the memorial of John Worthington, and others, referred to the same committee - - - - - - - 70
said committee made a report - - - 97
the report was read - - - - - - 99
Expenditures, &c., of the Navy, a report from the Secretary of the, read, and referred - 20

Senate Proceedings and Debates.

Page.

Exportation in Foreign Vessels, a bill from the House of Representatives to prohibit the, of certain articles, twice read, and referred 117
indefinitely postponed 121

F.

Fines, Forfeitures, &c., a bill directing the Secretary of the Treasury to remit, in certain cases, read a first and second time 28
amended, and ordered to a third reading 31
read a third time, and passed 33
returned from the House with amendments 35
concurred in 36
a bill of the same tenor, twice read, and referred 90
reported with amendment 95
ordered to a third reading 97
read a third time, and passed as amended 100

Fire Insurance Company, a bill from the House of Representatives to incorporate a, in Alexandria, District of Columbia, read, &c. 27
read a second time 28
referred to a select committee 29
reported without amendment 94
indefinitely postponed 100

Fisheries, on motion of Mr. Dana, a committee was appointed to inquire concerning certain 65
a bill from the House of Representatives for the government of persons in certain, read 106
read a second time 108

Foreign Coins, a report of the Secretary of the Treasury in pursuance of the act regulating the currency of 37
a bill from the House of Representatives to regulate the currency of 95
read a first time 96
read a second time, and referred 99
reported without amendment 109
indefinitely postponed 119

Foreign Powers, so much of the Message as relates to, referred to a select committee 18
on motion of Mr. Smith, of Maryland, the President's Message of the 6th of July, 1812, together with the accompanying documents, was referred to the above committee 19

Franklin, Mr., was appointed, on the part of the Senate, teller of the Electoral votes, in place of Mr. Gaillard, indisposed 79

Furniture, &c., Mr. Franklin submitted a resolution in relation to the, belonging to the Senate Chamber and west wing of the Capitol 25
resolution agreed to, and the Sergeant-at-Arms and Doorkeeper directed to take the same into his possession 26

G.

Gaillard, John, appointed a Senator by the Legislature of South Carolina for six years, from the 4th of March next, presented his credentials, was qualified, &c. 39
appointed teller, on the part of Senate, of Electoral votes 78

Gamble, William, Mr. Brent presented the petition of, referred 66

Page.

General Land Office, report of the Commissioner of the 34
on motion of Mr. Franklin, the Commissioner of the, was directed lay before the Senate the amount of sales of lands, &c. 37
a report in obedience thereto 39
a letter from the Commissioner of the, with a report of the commissioners appointed to ascertain the western boundary of Virginia bounty lands 55
referred to a select committee 57

General Officers, a bill making provision for an additional number of 83
read a first time 85
read a second time, and referred 87
reported without amendment 88
ordered to a third reading 97
read a third time, and passed 100

Georgetown, a bill concerning streets in, read 104
read a second time 107

Georgetown and Alexandria Road Company, Mr. Worthington presented the petition of the, referred 84
a bill concerning the, read 96
read a second time 98
ordered to a third reading 104
read a third time, and passed 106

Georgia, a bill declaring the consent of Congress to an act of the State of, read 59
read a second time, and referred 61
reported with amendments 63
read a third time, and passed as amended 67

German, Obadiah, of New York, appeared and took his seat 10

Gerry, Elbridge, declared elected Vice President of the United States 80
a resolution requesting the President of the United States to cause information to be given to, of his election 80

Giles, William B., of Virginia, appeared and took his seat 18

Goodrich, Chauncey, appointed a Senator by the Legislature of Connecticut for six years from 4th March next, produced his credentials, &c. 77

Goods, Wares, and Merchandise, a bill from the House of Representatives respecting importation of 100
read a first time 102
read a second time, and referred 107
reported with amendments 110

Government, a bill from the House of Representatives making partial appropriations for the support of, for the year 1813, read twice, and ordered to a third reading 53
read a third time, and passed 54
a bill from the House of Representatives making general appropriations for the support of, for the year 1813, read twice, and referred 92
reported with amendments 102
ordered to a third reading 111
read a third time, and passed with amendments 112

Great Britain, a message transmitting information relative to pacific overtures made on the part of this Government and their reception, referred, and 1250 copies ordered to be printed 19

Senate Proceedings and Debates.

Page.

Gregg, Andrew, of Pennsylvania, appeared and took his seat - - - - - - 9
Guerriere, and Java, British frigates, a letter from the Secretary of the Navy transmitting, by desire of Commodore Bainbridge, a petition, praying compensation for the destruction of the - - - - - 109

H.

Hickman, Harris H., letter from, to Lieutenant Jesse D. Elliott, stating the armament, &c., on board the Brig Detroit - - 50
Hull, Captain Isaac, a joint resolution from the House of Representatives complimenting, read twice, and referred - - - 37
reported with amendment - - - - 58
ordered to a third reading as amended - 63
read a third time, and passed as amended - 64
Hunter, William, of Rhode Island, appeared and took his seat - - - - - - 20

I.

Indiana Territory, memorial of the Legislature of, read - - - - - - - 119
Indians, Mr. Smith of Maryland submitted a resolution respecting a murder committed by the, within the State of Tennessee - 35
agreed to, and the Secretary of the Senate ordered to present the same to the President of the United States - - - 36
a message transmitting a report from the Secretary of War - - - - 42
Indian Tribes, on motion of Mr. Franklin the Secretary of War was directed to report a statement of all the treaties held by, &c. 37
Infantry, a bill from the House of Representatives establishing an elementary exercise for the, read - - - - - - - 92
read a second time and referred - - - 93
reported without amendment - - - 107
indefinitely postponed - - - - 119
Ingraham, Nathaniel G., Mr. Smith of New York presented the petition of, referred 66
a bill for relief of, read - - - - - 79
read a second time - - - - - - 80
ordered to a third reading - - - - 103
read a third time, and passed - - - 106
returned from the House of Representatives with amendments, and concurred in - 119
Invalid Pensioners, a bill from the House of Representatives concerning, twice read, and referred - - - - - - - 117
reported without amendment - - - 118
read a third time, and passed - - - 120
Iron Wire, a bill to impose a duty on the importation of, read - - - - - - 72
read a second time, and referred - - 74
reported without amendment - - - 78
ordered to a third reading - - - - 95
read a third time, and passed - - - 96

J.

Jay, James, the memorial of, read - - - 83
referred to a select committee - - - 87
committee discharged - - - - 114
Jones, Captain, the President of the United States transmitted copies of a letter from, giving an account of his capture of the British sloop of war Frolic - - - 31

Jones, Captain—continued. Page.
a joint resolution complimenting, read twice, and referred - - - - - - 37
reported with amendment - - - 38
ordered to a third reading - - - - 63
read a third time, and passed - - - 64
Josiah, James, Mr. Leib presented the memorial of - - - - - - - - - 94

L.

Lacock, Abner, a Senator appointed by the Legislature of Pennsylvania, for six years from the 4th March next, was qualified, &c. 39
Lamb, David, Mr. Gaillard presented the petition of, referred - - - - - 23
Lapsley, Samuel, a bill for relief of the heirs of, read - - - - - - - - 84
read a second time, and referred - - 87
reported without amendment, and ordered to a third reading - - - - - 103
read a third time, and passed - - - 106
Lee, Captain Washington, Mr. Gregg presented the petition of, referred - - - 43
a bill for relief of, read - - - - 65
read a second time - - - - - 67
ordered to a third reading - - - 68
read a third time, and passed - - - 69
Lee, Thomas Sim, and others, Mr. Bayard presented the petition of, referred - - 100
(See *Georgetown.*)
L'Enfant, Peter Charles, the memorial of, was read - - - - - - - - - 69
Letters of Marque, &c., a bill from the House of Representatives in addition to the act concerning, read - - - - - - 22
read a second time, and referred - - 22
reported without amendment - - - 25
recommitted to a select committee - - 27
reported with amendments - - - 32
recommitted to a committee of five - - 33
reported with amendments, and ordered to a third reading - - - - - - 35
read a third time, and passed, as amended - 36
the House of Representatives disagree and ask a conference, the Senate insist and appoint managers - - - - - 52
managers report that they could not agree 59
Library, on motion of Mr. Leib, a joint committee was appointed on the - - - 10
Licenses, a bill from the House of Representatives to prohibit the use of any foreign, read - 113
read a second time, and referred - - 115
reported with amendments - - - 117
indefinitely postponed - - - - - 121
Light Dragoons, Mr. Pope presented the memorial of the Kentucky regiment of, referred to a committee - - - - - - - 82
committee discharged - - - - 110
Lloyd, James, of Massachusetts, appeared and took his seat - - - - - - - 20
Loan, a bill from the House of Representatives authorizing a, not exceeding sixteen millions, read - - - - - - - - 64
read a second time, and referred - - 66
reported without amendment - - - 70
ordered to a third reading - - - - 73
read a third time, and passed - - - 75
Louisiana, Mr. Taylor submitted a resolution respecting the classification of the Senators from - - - - - - - - - 23

Louisiana—continued. Page.
agreed to, and lots drawn by the Senators - 24
Mr. Magruder presented a representation of the Legislature of, concerning the decisions of the Commissioners of the Land office for the late Territory of Orleans, read, and referred to the Committee of Public Lands - - - - - - 26
a bill giving further time for registering lands in the eastern district of the Territory of Orleans, now the State of, read - 37
read a second time - - - - - - 38
ordered to a third reading - - - - - 43
read a third time, and passed - - - - 43
returned from the House of Representatives with amendments - - - - - - 86
referred to a committee - - - - - 87
agreed to with amendment - - - - - 101

M.

Madison, James, declared elected President of the United States - - - - - - 80
on motion of Mr. Smith, of New York, a committee appointed to wait on and inform him of his election - - - - - 80
the report of said committee - - - - 86
Inaugural Speech of - - - - - - 121
Magruder, Allan B., of Louisiana, presented his credentials as Senator, &c. - - - 20
lot of, drawn, for term of service - - 24
Maine, a bill from the House of Representatives to alter the time for holding the district court in the district of, read - - - 76
read a second time - - - - - - 89
ordered to a third reading - - - - - 116
read a third time, and passed - - - - 119
Marbury, Leonard, Mr. Posey presented the petition of the widow and heirs of, referred to a select committee - - - - - 30
report of said committee laid on the table - 40
Maryland, the President of the United States communicated the copy of an act of the Legislature of, read - - - - - 46
referred to a select committee - - - - 51
said committee discharged - - - - 114
on motion of Mr. Smith, of, the Secretary of War was directed to report the balance due to said State on a purchase of arms, &c. - - - - - - - - - 65
report of the Secretary of War in reply - 69
Medals, on motion of Mr. Bayard, a joint resolution requesting the President of the United States to present, to Captain Bainbridge and the officers of the Constitution, was read, and ordered to a third reading - - - - - - - - 113
read a third time, and passed - - - - 116
Message, the annual, of the President of the United States - - - - - - - 11
twelve hundred and fifty copies of the same, with the documents, ordered to be printed 16
Mr. Campbell, of Tennessee, submitted sundry resolutions for the reference of the - 17
agreed to, and committees appointed - - 18
Military Discipline, for army and militia, Mr. Campbell, of Tennessee, submitted a resolution directing the Secretary of War to report such a system of, as he may deem best - - - - - - - - - - 81

Military Discipline—continued. Page.
a joint resolution authorizing the President of the United States to prescribe a system of, read twice - - - - - - - 107
read a third time, and passed - - - - 114
returned from the House of Representatives with amendments, &c., concurred in - 117
Military Establishment, appointment of a select committee on the - - - - - - - 18
a bill relating to the pay of non-commissioned officers in the, read - - - - 21
read a second time - - - - - - 22
a bill from the House of Representatives to the same effect, amended and passed - 26
the House of Representatives concurred in the amendments - - - - - - - 27
a bill from the House of Representatives, making appropriations for support of the, and volunteer militia, read twice, and referred - - - - - - - - - 113
reported without amendment, and ordered to a third reading - - - - - - 115
read a third time, and passed - - - - 118
Military Land Warrants, a bill from the House of Representatives extending the time for locating - - - - - - - - - 83
read the first time - - - - - - 84
read a second time - - - - - - 85
indefinitely postponed - - - - - 116
Militia, appointment of a select committee on the revision of the laws - - - - - 18
a bill from the House of Representatives, making an appropriation to defray the expenses, under the act authorizing a detachment from the, read twice, and referred - - - - - - - - - 23
reported, with amendments, and ordered to a third reading - - - - - - 26
read a third time, and passed as amended - 27
a bill for organizing, arming, &c., the, read 35
read a second time, and referred - - - 36
committee discharged - - - - - 110
a bill supplementary to the act providing for calling forth the, to execute the laws, &c., read - - - - - - - - 40
read a second time - - - - - - 41
ordered to a third reading - - - - - 45
read a third time, and passed - - - - 51
returned from the House of Representatives with amendments, and referred - - - 64
agreement reported, and concurred in - 67
Mr. Cutts presented instructions from the Legislature of New Hampshire, respecting increase of pay to the, when called into service - - - - - - - 40
a bill from the House of Representatives, supplemental to the act for arming and disciplining the whole body of, read - 69
read a second time, and referred - - - 70
reported without amendment - - - - 110
on motion of Mr. Varnum, the Secretary of War was directed to furnish information on certain questions touching the objects of said bill - - - - - - - - 110
a Message from the President of the United States, with the annual statement of the 82
Minifie, Charles, Mr. Leib presented the petition of, praying interest, referred - - - - 65
a bill for relief of, read twice - - - - 68
third reading refused - - - - - - 70

Page.

Ministers and Consuls, a report from the Secretary of State, respecting, residing on the coast of Barbary - - - - - 42
Mint, a bill from the House of Representatives, further to continue the, at Philadelphia, read - - - - - - - - 20
read a second time, and ordered to a third reading - - - - - - - 21
read a third time, and passed - - - 22
the President of the United States transmitted the report of the Director of the - 38
Miscellaneous Claims, a letter from the Secretary of the Treasury, with a statement of the moneys expended in 1812 in discharge of - - - - - - - - 64
Mississippi Territory, a bill from the House of Representatives, to enable the people of, to form a Constitution and State Government, read twice and referred - - 23
reported with amendments - - - 34
recommitted to a select committee of five - 40
said committee reported, in part, a bill to carry into effect the report made to Congress in 1803, by the Commissioners appointed under the act for the amicable settlement of limits with the State of Georgia, &c., and the bill was read, and passed to a second reading - - - - - - 41
read a second time - - - - - - 44
further amended, and ordered to a third reading - - - - - - - 53
read a third time, and passed - - - 55
a memorial of the Legislative Council of, praying an extension of time to purchasers of land in, for payment, referred to the Committee on Public Lands - - - 30
a memorial of the Legislative Council of, praying the extinguishment of certain Indian titles - - - - - - - - 31
Mr. Tait communicated an act declaring the assent of Georgia to the formation of one or more States in the - - - 38
Mr. Smith, of Maryland, presented the memorial of the minority of the Legislature of, praying that the question of the admission of, into the Union, may be deferred - 52
a memorial of a number of the citizens of, to the same effect, referred - - 61, 62
a bill from the House of Representatives, directing evidence to be received on certain claims to lands in, read - - - - 109
Missouri, a bill from the House of Representatives, giving further time for evidence of claims to land in the Territory of - - 95
read a first time - - - - - - 96
read a second time, and referred - - 100
reported without amendment - - - 104
ordered to a third reading - - - 117
read a third time, and passed - - - 119
Mounted Volunteers, Mr. Pope submitted a resolution concerning the - - - - 35
amended, and agreed to - - - - 36

N.

Naturalization, a bill from the House of Representatives, supplementary, on the subject of, read - - - - - - - - 100
read a second time, and referred - - 102
reported with amendments - - - 109
read a third time, and passed as amended - 121
Naturalized Citizens, Mr. Leib presented the petition of a number of, of Philadelphia, praying provision to protect them against the Proclamation of the British Prince Regent, read - - - - - - - 98
Naturalized Seamen, on motion of Mr. Dana, the Secretary of State was directed to report a statement of the number of, annually registered, &c. - - - - - - - 37
the report of said officer in obedience - 42
Naval Establishment, appointment of a select committee on the - - - - - - 18
Naval Victories, a joint resolution from the House of Representatives, relative to the brilliant, achieved by Captains Hull, Decatur, and Jones, read twice, and referred to the Naval Committee - - - - 37
reported amended, by adding the name of Lieutenant Jesse D. Elliott - - - 63
read a third time, and passed - - - 64
Navigation, in the coasting trade, a bill concerning, read - - - - - - - 106
read a second time - - - - - - 109
Navy, a bill to increase, read - - - - 25
read a second time - - - - - - 26
ordered to a third reading - - - 32
read a third time, and passed - - - 33
returned from the House of Representatives with amendments, and concurred in - 35
a bill from the House of Representatives, supplemental to the act for increasing the, read - - - - - - - - 85
read a second time, and referred - - 87
reported with amendment - - - 108
ordered to a third reading, as amended - 117
read a third time, and passed as amended - 119
a bill from the House of Representatives, making appropriations for the support of the, read - - - - - - - 113
read a second time, and referred - - 114
reported with amendments, and ordered to a second reading - - - - - - 114
read a third time, and passed as amended - 118
Navy Pensions, a bill from the House of Representatives, providing for, in certain cases, read - - - - - - - - 38
read a second time, and referred - - 39
reported with amendment - - - 42
ordered to a third reading - - - 46
read a third time, and passed as amended - 51
New Hampshire, a resolution of the Legislature of, communicated, ratifying the amendment of the Constitution respecting titles of nobility - - - - - - - 34
Newspapers, the usual order passed for furnishing, to the members - - - - - 10
Nexsen, William, jr., the petition of, referred to a select committee - - - - - 42
a bill for the relief of, read - - - 79
read a second time - - - - - 80
ordered to a third reading - - - 103
read a third time, and passed - - - 106
returned from the House of Representatives amended, and concurred in - - - 119

Page.

Non-importation Acts, Mr. Smith, of Maryland, presented the memorial of a number of the inhabitants of Baltimore, praying that no alteration may be made in the present, ordered to be printed - 94
a similar memorial from citizens of New York - 102

O.

Ohio, a letter from the Governor of, enclosing the declaration and resolves of the Legislature, approving the measures of Administration, read - 55
a bill giving further time to purchasers of public lands northwest of the river, &c., read twice - 69

P.

Pennsylvania, the President of the United States communicated copies of the resolutions of the Legislature of - 70
Pensions, a bill from the House of Representatives regulating, to persons employed on board private armed ships, &c., read - 64
read a second time - 66
referred to a select committee - 68
reported without amendment - 70
ordered to a third reading - 75
read a third time, and passed - 76
Philadelphia, Mr. Leib presented the memorial of sundry merchants of, referred - 20
Phœnix, Alexander, Mr. Bayard presented the petition of, referred - 63
a bill for the relief of, read - 79
read a second time - 80
ordered to a third reading - 103
read a third time, and passed - 106
returned from the House of Representatives with an amendment, and concurred in - 119
Pope, John, of Kentucky, appeared and took his seat - 22
Posey, Thomas, of Louisiana, lot drawn for, to determine his time of service - 24
appointed a Senator by the Governor of Louisiana, in place of John Destrahan, resigned; produced his credentials, was qualified, and took his seat - 28
Post Office Establishment, a bill from the House of Representatives in addition to the act regulating the, read - 92
read a second time, and referred - 94
reported with amendments - 95
ordered to a third reading - 105
read a third time, and passed as amended - 106
Post Roads, Mr. Brown gave notice of a bill to establish certain, in Louisiana - 90
a bill to that effect read twice, and referred 94
reported with an amendment - 102
ordered to a third reading - 104
read a third time, and passed - 106
Post Routes, a bill from the House of Representatives authorizing the President of the United States to establish, in certain cases, read - 38
read a second time, and referred - 39
reported without amendment, and ordered to a third reading - 40
read a third time, and passed - 41
Potter, John, and others, Mr. Gaillard presented the petition of, read, and referred - 25

Page.

Pre-emption, a bill from the House of Representatives to grant the right of, to certain settlers in Illinois Territory, read - 59
read a second time, and referred - 61
reported with an amendment - 65
ordered to a third reading as amended - 68
read a third time, and passed - 68
President and Vice President of the United States, on motion of Mr. Gaillard, a committee was appointed to join such committee as may be appointed by the House of Representatives to ascertain and report a mode of examining the votes for - 76
a message from the House of Representatives, that they have agreed and appointed a joint committee - 78
resolutions reported by said committee, and agreed to - 78
a message from the House of Representatives, that they are now ready to attend the Senate in opening and counting the votes for - 79
the two Houses assembled in the Representatives Hall - 79
the votes read, and names of, declared - 79
President Elect, a bill to provide accommodations for the, read - 114
read a second time - 115
read a third time, and passed - 120
Prisoners of War, a Message from the President of the United States, transmitting copies of a correspondence between the British Admiral at Halifax, and the agent of American, at that station - 60
Private Armed Vessels of War, Mr. Smith of Maryland presented the petition of sundry citizens of Baltimore, owners of, read, and ordered to be printed - 22
referred to the Committee on Letters of Marque, &c. - 23
a bill from the House of Representatives to release the claims of the United States to certain goods, &c., captured by - 95
read a first time - 96
read a second time - 99
referred to a committee - 102
reported without amendment - 114
indefinitely postponed - 119
Public Contracts, report of the Postmaster General relating to - 53
report of the Secretary of the Treasury on the same subject - 64
of the Secretary of War on same subject - 78
of the Secretary of the Navy - 84
Public Lands, Mr. Worthington submitted a resolution respecting the - 25
agreed to, and a committee appointed - 26
on motion of Mr. Franklin, the Secretary of the Treasury was directed to report a general statement of sales, &c. - 37
a report from that officer in obedience - 109
a bill from the House of Representatives giving further time to purchasers of - 73
read twice, and referred - 74
reported amended, and ordered to a third reading - 101
read a third time, and passed as amended - 102

Public Lands—continued. Page.
the House of Representatives again concurred with an amendment, and the Senate agreed with an amendment - - 112
the House of Representatives again concurred with an amendment, and the Senate receded - - - - - - - 117

Q.

Quorum, adjournment of the Senate for want of, on the day of meeting - - - - 9
the usual interchange of messages on the subject of a - - - - - - 9

R.

Rangers, a bill from the House of Representatives to raise additional companies of - 83
read twice, and referred - - - - 85
reported without amendment - - - 88
ordered to a third reading - - - - 95
read a third time, and passed - - - 95
Redfield, John, Mr. German presented the petition of, referred - - - - - - 57
a bill for the relief of, read a first and second time - - - - - - - - 68
ordered to a third reading - - - - 75
read a third time, and passed - - - 76
Reed, Philip, of Maryland, appeared and took his seat - - - - - - - - 19
Registered Seamen, an abstract of, in the report of the Secretary of State - - - - 93
Remission of Fines, &c., a bill authorizing the, by a district judge, twice read - - - 98
indefinitely postponed - - - - 107
Retaliation, a bill vesting in the President of the United States the power of, in specified cases, read a first time - - - - - 71
read a second time - - - - - - 72
ordered to a third reading - - - - 89
read a third time, and passed - - - 90
returned from the House of Representatives with amendments, and concurred in - 112
Returns of Registered Seamen, on motion of Mr. Dana, a resolution was adopted concerning collectors of customs who have failed to make - - - - - - - 104
Richard, Obadiah, Mr. Lloyd presented the petition of, referred - - - - - - 72
committee discharged and subject postponed 109
Rodgers, Commodore John, a Message from the President of the United States, communicating copies of a letter from, to the Secretary of the Navy - - - - - 60
Russell, Mr., the President of the United States transmitted copies of a letter from, referred to the Committee on Foreign Relations and 1250 copies ordered to be printed for the use of members - - - - 21

S.

Savannah, Mr. Tait presented a memorial of sundry merchants of, referred - - - 22
Seamen and Shipping, Mr. Dana submitted a resolution for the benefit of - - - - 71
agreed to, and a committee appointed - 77
a bill respecting, read - - - - - 82
read a second time - - - - - - 85
amended, and ordered to a third reading - 94
read a third time, and passed - - - 97

Page.
Seamen on board Public Ships, &c., a bill from the House of Representatives regulating 83
read a first time - - - - - - 84
read a second time, and referred - - 85
reported with an amendment - - - 92
postponed indefinitely - - - - - 108
last vote reconsidered, and bill ordered to a third reading - - - - - - 108
read a third time, and passed - - - 111
Senate, members present at the meeting of the adjournment of the, to the 4th Monday in May next - - - - - - - 9
confidential proceedings of the - - - 121
Shattuck, Jared, a bill from the House of Representatives for relief of, read twice, and referred - - - - - - - 124
reported without amendment - - - 54
ordered to a third reading - - - - 64
read a third time, and passed - - - 65
Silsbee, Nathaniel, and others, Mr. Lloyd presented the memorial of, referred - - - 66
committee discharged, and memorial referred to the Secretary of State - - - 94
Simpson, T., additional compensation allowed to 112
Sinking Fund, report of the Commissioners of the - - - - - - - - 118
Sixth Judicial District, a bill to alter the time for holding the circuit courts in the, read 79
read a third time - - - - - - 90
indefinitely postponed - - - - - 94
Smilie, John, member of the House of Representatives from Pennsylvania; a message from the House of Representatives communicating the death of, and resolution thereon - - - - - - - 118
Smith, John, of New York, appeared and took his seat - - - - - - - - 38
Spain, Mr. Smith of Maryland submitted a resolution respecting exportation of the produce of American manufactures to - - 18
resolution agreed to - - - - - - 67
report of the Secretary of the Treasury in obedience thereto - - - - - - 68
74

T.

Tatham, William, a letter from, relating to maritime defence - - - - - - - 36
another letter from, explanatory; both referred to the Secretary of War - - - 90
Taylor, John, and others, Mr. Bibb presented the petition of, praying a charter to a bank in the City of Washington - - - 61
referred to a select committee - - - 73
Taylor, John, of South Carolina, appeared, and took his seat - - - - - - - 9
Thompson, John, on motion of Mr. Magruder, the Committee on Public Lands were instructed to inquire as to the proper compensation to - - - - - - - 29
Tims, Chas., additional compensation allowed to 118
Transfer of Moneys, a report of the Secretary of the Navy respecting - - - - - 82
Treasurer of the United States, the general account of the, was communicated - - 85
Treasury, annual report of the Secretary of the, ordered to be printed - - - - - 28
Treasury Notes, Mr. Lloyd submitted a resolution respecting the distribution of the $3,180,000 of, subscribed for, &c. - - - 54

Treasury Notes—continued. Page.
the resolution agreed to, and a committee appointed to wait on the President - 57
a Message from the President of the United States with a report from the Secretary of the Treasury, in obedience thereto - 62
a bill from the House of Representatives authorizing the issue of, for the service of the year 1813, read - - - - - 64
read a second time, and referred - - 66
reported with amendments - - - 77
ordered to a third reading, as amended - 82
the bill recommitted - - - - - 83
reported without amendment - - - 92
ordered to a third reading - - - 96
read a third time, and passed - - - 97

U.

Updike, Daniel, a bill authorizing the release of, from imprisonment, read - - - - 86
read a second time - - - - - - 88
referred to a select committee - - - 94
reported without amendment - - - 95
amended, and ordered to a third reading - 112
read a third time, and passed - - - 112

V

Vaccination, a bill from the House of Representatives to encourage - - - - - 95
read a first time - - - - - - 96
read a second time, and referred - - 98
reported without amendment - - - 101
ordered to a third reading - - - 106
read a third time, and passed - - - 107
Vermont, a bill from the House of Representatives, to alter the time for holding the Circuit and District Courts in, read - - - 27
read a second time, and referred - - 28
reported without amendment - - - 85
indefinitely postponed - - - - - 85
Vincennes, a bill from the House of Representatives, confirming certain claims to lands in the district of, read - - - - - 55
read a second time, and referred - - 57
reported without amendment - - - 72
ordered to a third reading - - - - 74
read a third time, and passed - - - 76
Virginia Military Reservation, the committee on the subject of, were discharged, and the matter postponed - - - - - - 100
Volunteer Military Corps, Mr. Smith of Maryland submitted a resolution respecting the, which was agreed to - - - - - 40

W.

Wabash, a bill concerning the salt springs on the, read - - - - - - - - 109
read a second time - - - - - - 110
indefinitely postponed - - - - - 112
Wagons or Teams captured by the enemy, a bill authorizing payment for, read twice - 90
ordered to a third reading - - - - 115
read a third time, and passed - - - 119
Waiters to the Senate, on motion of Mr. Leib, a resolution allowing additional compensation to the, was read - - - - - 113
read a second time, and ordered to a third reading - - - - - - - 115
read a third time, and passed - - - 118
Walcott, Talcott, Mr. Goodrich presented the petition of; read - - - - - - 93

Page.
War Department, a report of James Monroe, acting Secretary of the - - - - - 38
another from the same - - - - - 45
Washington Turnpike Company, a bill respecting the, read twice, and referred - - 86
reported without amendment - - - 88
amended, and ordered to a third reading - 104
read a third time, and passed - - - 106
Western Land District, (formerly Territory of Orleans,) on motion of Mr. Franklin, the report of the Commissioners of the, was referred to Committee on Public Lands - 34
West Point, on motion of Mr. Gregg, the report of the Commissioners to settle the exterior line of, was referred to a select committee - - - - - - - 30
a bill approving the said report, read - - 33
read a second and third time, and passed - 33
Wiggin, Joseph, Mr. Lloyd presented the memorial of; referred - - - - - - 92
Wiley, Susannah, a bill from the House of Representatives for the relief of - - - 95
read a first time - - - - - - 96
read a second time, and referred - - 100
reported with amendment - - - - 103
ordered to a third reading - - - - 113
read a third time, and passed - - - 115
Worthington, John, and others, Mr. Smith of Maryland presented the petition of, praying relief from the oppressive action of Oliver Evans, in relation to his patent for milling improvements; ordered to be printed, and referred to a select committee - - 42
the report of said committee - - - 97
(See *Evans, Oliver.*)

Y.

Yeas and Nays on amending the bill from the House of Representatives, relating to pay of the Army - - - - - - - 24
on the final passage of the same - - 25
on the third reading of the bill concerning fines, &c. - - - - - - - 31
on amending the bill for increasing the Navy 32
on the third reading of the same - - 32
on the final passage of the bill concerning fines, &c. - - - - - - - 33
on amending the bill for the more perfect organization of the Army - - 43, 44, 45
on the third reading of the same - - 45
on the third reading of the partial bill relating to limits between Georgia and Mississippi Territory - - - - - - 53
on the final passage of the same - - 55
on amending the bill, in addition to the act to raise an additional military force 58, 59, 60, 61, 62
on the third reading of the same - - 62
on the final passage of the same - - 63
on granting leave for a bill to alter the bounty to recruits - - - - - - 63
on amending the bill for the relief of Jared Shattuck - - - - - - - 65
on a motion to postpone the same - - 66
on the final passage of the same - - 66
on the third reading of the bill for the relief of Charles Minifie - - - - 70
on a motion to amend the loan bill - - 73
on the third reading of the same - - 74

House Proceedings and Debates.

Yeas and Nays—continued. Page.
on the final passage of the same - - 75
on amending the bill giving additional compensation to the District Judge of the District of Delaware - - - - - 75, 76
on amending the bill concerning the discipline of the Army - - - - - 81
on postponing the bill for the relief of John Dixon, &c. - - - - - - - 82
on the third reading of said bill - - 82
on postponing the bill concerning retaliation 82
on recommitting the Treasury note bill - 83
on the final passage of the bill for the relief of John Dixon, &c. - - - - - 86
on a motion to postpone the resolution for amending the Constitution - - 88, 89
on a motion to amend the bill concerning retaliation - - - - - - - 89
on the third reading of the same - - 90
on the final passage of the same - - 90
on the final passage of the resolution to amend the Constitution - - - - - 91

Yeas and Nays—continued. Page.
on amending the Treasury note bill - - 96
on the third reading of the same - - 96
on the final passage of the same - - 97
on amending the bill granting further time to purchasers of public lands - - - 101
on the third reading of the bill for relief of the heirs of Samuel Lapsley - - - 103
on indefinite postponement of the bill concerning seamen on board public ships - 108
on the third reading of the same - - 108
on a motion to amend the appropriation bill - 111
on the final passage of the bill concerning seamen, &c. - - - - - - - 111
on amending the bill supplementary to the act to increase the Navy - - - - 116
on suspending the 12th rule for conducting business - - - - - - - 118
on postponing the bill concerning private armed vessels - - - - - - 119
on the third reading of the bill concerning naturalization - - - - - - 121

HOUSE OF REPRESENTATIVES.

A. Page.
Abolition of Slavery, Mr. Milnor presented a memorial of the Pennsylvania Society for the, &c., referred to a select committee - 1074
report of said committee - - - - - 1090
Accounts, appointment of the Standing Committee of - - - - - - - - 140
Additional General Officers, a bill authorizing the appointment of - - - - - 1057
read three times, by consent, and passed - 1060
Additional Military Force, a bill in addition to the act to raise an, read twice and committed 452
the committee discharged, and the bill referred to another committee - - - 455
reported without amendment, and ordered to a third reading - - - - - 771
read a third third time, and discussed - 773
question of passage decided in the affirmative - - - - - - - - 843
returned from the Senate with amendments, and concurred in - - - - - - 883
Affidavits and Bail. (*See District Courts.*)
Alexandria Turnpike Company, Mr. Lewis presented the petition of the, referred - - 393
a bill to incorporate the, reported, read twice, and committed - - - - - - 855
(See *Mason's Causeway.*)
Algiers, the President of the United States transmitted a letter from the Consul General at - - - - - - - - 152
copy of the letter transmitted - - - 1222
Alston, Mr., speech of, on the bill to raise an additional military force - - - - - 821
Anderson, James, a bill for relief of, read twice and committed - - - - - - 241
Appropriations, a bill making certain, for 1813, read twice and committed - - - - 676
read a third time, and passed - - - 844
returned by the Senate with amendments, and concurred in - - - - - - 1147

Page.
Archer, Mr., speech of, on the additional Military force bill - - - - - - - - 588
on regulating the employment of foreign seamen - - - - - - - - 976
Armory. (See *Springfield.*)
Army, Militia, Volunteers, &c., appointment of a select committee on so much of the President's Message as relates to the - - - 142
Army of the United States, a bill concerning the pay of non-commissioned officers, &c., of the, read twice, and committed - - 153
read a third time, and passed - - - - 193
returned from the Senate with amendments, and referred - - - - - - - - 211
concurred in, with amendments - - - 217
a bill supplemental to the act for the more perfect organization of, read twice, and committed - - - - - - - - 453
read a third time, and passed - - - - 481
returned from the Senate with amendments 804
concurred in - - - - - - - - - 845
a bill from the Senate, for the better regulating supplies for the, read, and referred - 1143
reported without amendment, read a third time, and passed - - - - - - - 1146
a bill from the Senate for the better regulation of the staff of the, read twice, and committed - - - - - - - - 1153
reported, and ordered to a third reading - 1157
read a third time, and passed - - - 1157
Astronomical Observatory, a bill authorizing the establishment of an, read twice, and committed - - - - - - - - - 855
Attwater, Reuben, a bill from the Senate for relief of, read twice, &c. - - - - - 947
reported without amendment - - - - 994
ordered to a third reading - - - - 1080
read a third time, and passed - - - 1082

B. Page.

Babbitt, Lieut. F. H., letter from, to Captain Crane - - - - - - - - - 1236
Bacon, Ezekiel, of Massachusetts, appeared, and took his seat - - - - - - - 140
remarks of, on the pay of the Army - - 157
remarks of, on the bill concerning captures 851
speech of, on the bill regulating the employment of seamen - - - - - - 1023
Bainbridge, Captain Wm., letter from, to the Secretary of the Navy, containing the report of his capture and destruction of the British frigate Java - - - - - - - 1102
a joint resolution from Senate, requesting the President of the United States to present medals to, and his officers - - - 1152
read three times, and passed - - - - 1164
Baker, Mr., British Chargé, memorandum of the proposition of, to Mr. Graham - - 1177
Bank of Washington, a bill to authorize the, to increase its capital, read twice, &c. - 428
ordered to a third reading - - - - 958
read a third time, and passed - - - - 959
Barbary Powers, a statement from the Secretary of the Treasury of the expenses of our intercourse with the - - - - - - 680
a bill to continue in force the first section of the act to protect the commerce and seamen, &c., against the, read twice - - 1101
read a third time, and passed - - - - 1110
Barlow, Joel, correspondence of, with the Secretary of State - - - 1246, 1247, 1249
correspondence of, with the Duke of Bassano - - - - - 1246, 1248, 1249
Barnett, William, of Georgia, returned in place of Howell Cobb, resigned; was qualified, and took his seat - - - - - - - 200
Barney, Commodore Joshua, Mr. McKim presented a petition of, relating to enemy's property found on board American vessels, referred - - - - - - - - 263
progress reported, and leave granted to sit again - - - - - - - - 862
a report read and referred to the Committee of Ways and Means - - - - - 864
Bassett, Mr., remarks of, on his report proposing medals, &c., to the officers and crew of the frigate Constitution - - - - - - 199
on the resolution respecting exportation of provisions - - - - - - - - 213
on his resolution concerning imprisoned seamen - - - - - - - - 349, 354
on the bill to increase the Navy - - - - 409
speech of, on the same bill - - - - - 419
remarks of, on the bill concerning captures 850
in reply to Mr. Clay - - - - - - - 851
on the privateer pension bill - - - - 853
Beaumarchais, on motion of Mr. Bassett, the various petitions of the heirs of, were referred to the Committee of Claims - - - - 430
Bibb, Mr., speech of, on merchants' bonds - 322
remarks of, on the report of the committee on captured property - - - - - - 862
on the bill respecting seamen - - - - 1015
on the next meeting of Congress - 1083, 1120
on the bill to suspend non-importation 1091, 1111
on the resolution to lay a duty on distilled spirits - - - - - - - - 1104

Page.

Bible Society of Philadelphia, a bill for relief of the, read twice, &c. - - - - - - 847
a bill from the Senate of the same tenor - 848
read twice, and committed - - - - 852
read a third time, and passed - - - - 929
Bigelow, Mr., remarks of, on the pay of the Army 191
on the resolution respecting impressed seamen - - - - - - - - - - 350
on the bill concerning an additional military force - - - - - - - - - 468
speech of, on the Loan bill - - - - - 873
remarks of, on the next meeting of Congress 1122
Binnion, John, a bill for relief of, read twice, and committed - - - - - - - - - 617
read a third time, and passed - - - - 648
Bioren, John, and others, Mr. Milnor presented a petition of, praying the patronage of Congress to their new edition of the laws, referred - - - - - - - - - 1020
a bill authorizing a subscription to the same, read twice, &c. - - - - - - - 1090
Blackledge, Mr., remarks of, on Mr. Quincy's resolution respecting fines, &c. - - - 429
on Mr. Randolph's motion to call for a roll of officers, &c. - - - - - - 511, 920
on the bill concerning foreign licenses 1115, 1134
Bleecker, Mr., speech of, on the bill to raise an additional military force - - - - - 619
Board of Wardens, on motion of Mr. Lacock, the Committee of Commerce and Manufactures were instructed to inquire into the expediency of bringing in a bill to confirm the act of the State of Pennsylvania, establishing a, &c. - - - - - - - 958
Bond, Shadrack, returned to serve as Delegate from Illinois Territory, was qualified, and took his seat - - - - - - - - 217
Boone, Daniel, report on the petition of, read twice, and committed - - - - - - 929
Boston, Mr. Milnor presented a petition of the merchants of, referred - - - - - - 149
Bounty on Enlistments, a motion by Mr. Condict to instruct the Committee on Military Affairs on the subject of, was negatived - - - - - - - - - - 849
Boyd, Mr., speech of, on the organization of the Army - - - - - - - - - 492
on the bill concerning an additional military force - - - - - - - - 534
remarks of, on the bill to suspend the non-importation act - - - - - - 1091
Breadstuffs, Mr. Harper (in secret session) submitted a resolution to instruct the Committee of Commerce and Manufactures to inquire into the expediency of prohibiting the exportation of flour and other - - - - - - - - - 142
Breckenridge, Rev. John, a message from the Senate that they have appointed, Chaplain - - - - - - - - - 144
Breckenridge, James, of Virginia, appeared, and took his seat - - - - - - - 145
Brigham, Mr., speech of, on merchants' bonds - 379
on the bill to raise an additional military force - - - - - - - - - 512
Brilliant Achievements, a joint resolution in relation to the, of Captains Hull, Decatur, and Jones, twice read, and referred - 394

Brilliant Achievements—continued. Page.
ordered to a third reading - - - - 454
read a third time, and passed - - - 454
returned from the Senate with an additional name, and concurred in - - - - 908
a joint resolution from the Senate of the same tenor - - - - - - - 893
British Impressments, on motion of Mr. Bacon the Clerk was directed to cause to be printed the usual number of the President's Message, &c., in relation to - 533
British Licenses, &c., so much of the President's Message as relates to, referred to Committee of Commerce and Manufactures - 142
See (*Foreign Licenses.*)
British Manufactures, Mr. Mitchill presented a petition from merchants of Norfolk praying release from penalties for importing, referred - - - - - - - 145
Mr. Pleasants presented a similar petition from Richmond - - - - - - 145
British Officers, conduct of, towards persons taken in American ships - - - - 1235
Burwell, William A., of Virginia, appeared, and took his seat - - - - - - 310
remarks of, introducing a resolution respecting foreign coins - - - - - 509
on the privateer pension bill - - - 853

C.

Calhoun, Mr., speech of, on the resolution respecting merchants' bonds - - - 315
remarks of, on the bill to raise an additional military force - - - - - - 508
on the bill concerning non-intercourse - 1111
Cape of Good Hope, a bill from the Senate authorizing the admission, under certain circumstances, of vessels, &c., from British ports beyond the - - - - - 430
read twice, and committed - - - 438
reported with amendments - - - 455
the amendments agreed to - - - 854
ordered to a third reading as amended - 855
read a third time; passed with amendments 855
on motion of Mr. Reed the Committee of Ways and Means were instructed to inquire into the expediency of admitting to entry, &c., vessels from enemy's ports beyond the - - - - - - - 861
Capitol, an engrossed bill (under another title) making an appropriation for alteration and repairs of the, read a third time, and passed - - - - - - - - 1153
Captures, a bill relating to, twice read, &c. - 431
recommitted to the Committee on Naval Affairs - - - - - - - - 851
Carr, Francis, of Massachusetts, appeared, and took his seat - - - - - - 138
Castlereagh, Lord, letter from, to Mr. Russell - 1183
Certificates of Registry, a bill authorizing the Secretary of the Treasury to provide new, read twice, &c. - - - - - - 1079
read a third time, and passed - - - 1166
Chacherie, Lewis, a bill from the Senate for relief of - - - - - - - 893
read twice, &c. - - - - - - 908
reported without amendment - - - 1020
read a third time, and passed - - - 1167
Chaplains, joint resolution for appointment of, interchanged - - - - - - 913

Page.
Chesapeake and Delaware Canal Company, a bill authorizing the Secretary of the Treasury to subscribe for shares in the, read twice, &c. - - - - - - - - 893
Cheves, Langdon, of South Carolina, appeared, and took his seat - - - - - - 138
remarks of, on the report concerning merchants' bonds - - - - - - 216
speech of, on the same - - - - - 241
remarks of, on the bill to remit fines, &c. - 450
on a resolution respecting revenue and expenditures - - - - - - - 772
speech of, on the bill to raise an additional military force - - - - - - 827
remarks of, on the bill concerning captures 851
on increasing the Naval Establishment - 868
speech of, on the loan bill 869, 881, 885, 887
on the Treasury note bill - - - - - 912
remarks of, on the bill to increase the salaries of the Secretaries of War and Navy - 956
on the next meeting of Congress 1087, 1121
on suspension of the non-importation acts 1091, 1112
on the resolution to tax distilled spirits - 1104
Claims, appointment of the standing committee of - - - - - - - - - 139
Clay, Henry, (Speaker,) speech of, on merchants' bonds - - - - - - - 298
on the bill to raise an additional military force - - - - - - - - 659
remarks of, on the bill concerning captures 850
on the petition of Joshua Barney - - 862
on the Yazoo claims - - - - - - 1073
on exportation in foreign bottoms - - 1153
on motion, of Mr. Sawyer, an unanimous vote of thanks was passed to - - - 1167
address of, in reply thereto - - - 1167
Clay, Matthew, speech of, on the bill to raise an additional military force - - 489, 497
Clopton, Mr., speech of, on the seamen's bill - 1029
Cochran, James, of North Carolina, appeared, and took his seat - - - - - - 149
Columbia Insurance Company, of Alexandria, a bill to incorporate the, read twice, &c. - 455
Commerce and Manufactures, appointment of the standing committee of - - - - 139
Commercial Company, of the City of Washington, the petition of the, presented at the last session, was, on motion of Mr. Lewis, referred to the District Committee - - 217
a bill to incorporate the, read twice, and committed - - - - - - - 414
Commissioner of Loans for the State of Maryland, a bill to remove the office of the, to Baltimore, read twice, &c. - - - - 572
Comptroller's Office, copy of a circular from 1255 1257
Condict, Mr., remarks of, introducing a resolution concerning bounty on enlistments - - 849
Congress, on motion of Mr. Grundy, a committee was appointed to inquire into the expediency of providing for an earlier day for the next meeting of, than that fixed by the Constitution - - - - - - 1101
a bill to alter the time for the next meeting of, read twice, &c. - - - - - 1110
Constables, a bill regulating the fees of, in Alexandria county, District of Columbia, read twice, &c. - - - - - - 1015

House Proceedings and Debates.

Page.

Constitution, Mr. Pickens submitted a resolution to amend the - 848
a resolution from the Senate, proposing an amendment of the - 1080
read twice, and committed - 1082
Constitution, frigate, a bill making remuneration to the officers and crew of the, for the capture and destruction of the British frigate Guerriere, read twice, and ordered to a third reading - 929
Mr. Taliman submitted a resolution instructing the Naval Committee to bring in a bill granting $100,000 to the officers and crew of, - 1101
a list of the killed and wounded on board of the, in her action with the British frigate Java - 1103
a bill to compensate the officers and crew of the, read twice, &c. - 1110
ordered to a third reading - 1114
read a third time, and passed - 1115
returned from the Senate with amendments, and referred - 1127
agreement reported, and concurred in - 1143
a petition from the crew of the, laid on the table - 1126
Contingent Expenses, a Message from the President of the United States, transmitting an account of the - 710
Converce, Royal, a bill for relief of, read twice, and committed - 469
reported without amendment, and ordered to a third reading - 922
read a third time, and passed - 929
Cooke, Thomas B., of New York, appeared and took his seat - 148
Cumberland Road, the President of the United States transmitted the report of the Secretary of the Treasury, concerning the - 1152

D.

Dale, Richard, a bill for relief of, read twice, &c. 1055
Davis, Roger, of Pennsylvania, appeared and took his seat - 1114
Dawson, Mr., remarks of, on the resolution to compensate the officers and crew of the frigate Constitution, for capture and destruction of the Guerriere - 140
speech of, on the bill to compensate the officers and crew of the frigate Constitution 952
Decatur, Stephen, letter from, to the Secretary of the Navy, reporting his capture of the British frigate Macedonian - 361
(See *Brilliant Achievements.*)
Delegates, on motion of Mr. Jennings, a committee was instructed to inquire what amendments are necessary in the act concerning qualification of - 217
Denmark, papers in relation to our intercourse with - 1201
list of vessels captured or detained by the courts of - 1209
Desha, Mr., speech of, on the bill to raise an additional military force - 823
on the seamen's bill - 994
Detachment from the Militia, a bill to defray the expenses under the act to authorize a, read twice, &c. - 194
read a third time, and passed - 194

Detachment from the Militia—continued. Page.
returned from the Senate with amendments, and referred - 241
agreement reported, and concurred in - 310
Direct Tax, Mr. Bigelow submitted a resolution in relation to the quota of - 1169
Distilled Spirits, Mr McKim submitted a resolution to impose a duty on - 1104
which was rejected - 1105
District of Columbia, appointment of the Standing Committee on - 139
District Courts, on motion of Mr. Gold, a committee was appointed to inquire into the expediency of altering the time for holding certain, &c. - 914
a bill to that effect, for New York and Virginia, read twice, &c. - 1016
reported, and ordered to lie on the table - 1080
ordered to a third reading - 1101
read a third time, and passed - 1110
returned from the Senate with amendments, and concurred in - 1165
District Judges, a motion, by Mr. Gold, to increase the salaries of, rejected - 150
a bill from the Senate to the same effect - 1016
considered and rejected - 1017
District and Territorial Judges, on motion of Mr. Poindexter, a committee was appointed to inquire into the expediency of compelling the, to reside within their respective districts and territories - 149
a bill concerning, read twice, &c. - 155
reported, amended, and ordered to a third reading - 200
read a third time, and recommitted to a select committee - 201
reported with amendments, and ordered to a third reading - 215
read a third time, and passed - 217
Dixon, John, and John Murray, a bill for relief of, read twice, &c. - 393
ordered to a third reading - 861
Documents, on motion of Mr. Seybert, a bill was ordered authorizing members to frank the Message and accompanying - 144
a bill to that effect read three times, and passed - 145
Doorkeeper, on motion of Mr. Turner, the Clerk was directed to pay certain sums respectively to persons employed by the - 1152
Duane, William J., a letter from, was referred to the Military Committee - 710
(See *Elementary Exercise for Infantry.*)
Dufour, John James, and his associates, Mr. Jennings presented a petition of, referred to the Committee on Public Lands - 710
Duties and Drawbacks, the annual report of the Secretary of the Treasury on, referred to the Committee of Ways and Means - 430

E.

Elections, appointment of the Standing Committee of - 139
Electoral Votes, ceremony of counting the - 1020
Electors of President and Vice President, a joint resolution from the Senate proposing an amendment of the Constitution respecting the mode of meeting - 1080
(See *Constitution.*)

Page.
Elementary Exercise for Infantry, a bill to establish an, read twice, &c. - - - - - 1029
reported without amendment, and ordered to a third reading - - - - - - 1075
read a third time, and passed - - - - 1076
Ellis, Samuel, a bill for relief of, read twice, &c. 855
reported with an amendment, and ordered to a third reading - - - - - - 1061
read a third time, and passed - - - - 1074
Ely, Mr., remarks of, on the bill to raise an additional military force - - - - - 472
speech of, on the bill to arm the militia - 926
remarks of, on the classification of the militia 942
Emott, Mr., speech of, on the bill to raise an additional military force - - - - - 710
Enemy's Armed Vessels of War, a bill from the Senate to encourage the destruction of the 1123
read twice, and referred - - - - 1127
reported without amendment, read a third time, and passed - - - - - - 1168
Erving, George Washington, letters from, to the Secretary of State 1201, 1205, 1208, 1210, 1220
letters from, to M. Rosenkrantz 1212, 1214, 1216
letters from the latter to - - 1213, 1214, 1221
Estimates of Appropriations, a letter from the Secretary of the Treasury containing his, referred - - - - - - - 428
Eustis, W., Secretary of War, letter from, to Governor Strong - - - - - - 1298
Evans, Oliver, Mr. McKim presented the memorial of sundry mill owners, &c., remonstrating against the retrospective operation of the act extending the patent right of, referred - - - - - - - 676
Exemption of Soldiers, on motion of Mr. Bacon, the Committee on Military Affairs were instructed to inquire into the expediency of providing for the, from arrest for debt, &c. - - - - - - - - - 145
Exportation of Provisions, &c., Mr. Newton submitted a resolution respecting the, in vessels of foreign nations in amity with the United States - - - - - - 212
the resolution was amended, and the House refused to consider it - - - - 214
a bill to prohibit, of certain articles in foreign vessels, read twice, &c. - - - - 1127
reported amended, and ordered to a third reading - - - - - - - 1164
read a third time, and passed - - - - 1164
Extra Session, Mr. Grundy submitted a resolution for an - - - - - - - 1082
resolution negatived - - - - 1090

F.

Finances, report of the Secretary of the Treasury on the state of the - - - - - 263
Findley, Mr., remarks of, on the extra session proposed - - - - - - - 1087
Fines, Forfeitures, &c., a bill from the Senate authorizing the Secretary of the Treasury to remit, in certain cases - - - - - 393
read twice - - - - - - - 394
referred to the Committee of Ways and Means - - - - - - - - 404
report of said committee referred to the Committee of the Whole - - - - - - 432
reported with amendments - - - - 441
read a third time, and passed as amended - 450
Fines, Forfeitures, &c.—continued. Page.
Mr. Quincy submitted a resolution of inquiry concerning - - - - - - - - 429
agreed to, and a committee appointed - 438
report of said committee - - - - 1282
a bill directing the Secretary of the Treasury to remit certain, read twice, &c. - 929
ordered to a third reading - - - - 1056
read a third time, and rejected - - - - 1061
a bill from the Senate of the same tenor, twice read, and referred - - - - 1114
reported without amendment - - - - 1123
read a third time, and passed - - - 1126
Fire Insurance Company of Alexandria, a bill to incorporate the, read twice, &c. - - - 197
ordered to a third reading - - - 211
read a third time, and passed - - - 215
Fisk, James, of Vermont, appeared, and took his seat - - - - - - - - - 139
speech of, on the pay of the army - - 173
remarks of, on the naturalization bill - - 211
on the bill for organizing the army - - 475
speech of, on the bill to raise an additional military force - - - - - - 490
remarks of, on the proposed extra session - 1085
Foreign Bottoms. (See *Exportation.*)
Foreign Coins, on motion of Mr. Burwell, the Committee of Ways and Means were instructed to inquire into the expediency of fixing by law the value of - - - - 509
a bill to regulate, read twice, &c., - - - 958
reported without amendment, and ordered to a third reading - - - - - - 1080
read a third time, and passed - - - 1081
Foreign Licenses, the bill to prohibit the use of, read and amended - - - - - - 1101
read a second time, further amended, and ordered to lie on the table - - - - 1115
ordered to a third reading - - - - 1145
read a third time, and passed - - - 1150
Foreign Relations, appointment of the Committee of - - - - - - - - 932
France, on motion of Mr. Goldsborough, a committee was appointed to request of the President information concerning our relations with - - - - - - - 1151
a Message from the President, complying with the request - - - - - - 1167
papers communicated to the Senate in relation thereto - - - - - - - 1246
Furniture, &c., for the President's house, a motion by Mr. Fisk to purchase, negatived 1147

G.

Gallatin, Albert, letter from, to Mr. Cheves, on the subject of fines, &c. - - 1251, 1258
Gassaway, Henry, an unfavorable report on the petition of, concurred in - - - - 968
General Land Office, reports from the Commissioner of the - - - - 211, 414, 852
General Officers, a bill providing for an additional number of, read twice, &c. - - - 166
referred to the Committee on Military Affairs - - - - - - - - - 211
a bill reported by said Committee read twice, and referred - - - - - 455
Georgetown Insurance Company, a bill to incorporate the, read twice, &c. - - - 861

Page.

Georgetown Turnpike, Mr. Lewis presented a petition of sundry persons, praying permission to establish a turnpike to the limits of the District, referred - - 1074
a bill in pursuance of the petition, read twice, &c. - - - - - 1101
(See *Washington Turnpike Company of Maryland.*)
Georgia, a bill from the Senate to revive and continue in force an act declaring the consent of Congress to an act of the State of, read twice, &c. - - - - - 929
read a third time, and passed - - - 1166
Gerry, Elbridge, declared duly elected Vice President of the United States - - - - 1021
Gholson, Mr., remarks of, on the next meeting of Congress - - - - - - 1114
Glebe Land, Alexandria county, a bill to authorize the sale of the, twice read - - 210
Gold, Thomas R., of New York, appeared, and took his seat - - - - - - 144
remarks of, introducing a resolution - - 149
on the pay of the army - - - - 153
on the resolution respecting exportation of provisions - - - - - - 212
speech of, on the increase of the navy - 414
remarks of, on the organization of the army 474
475
speech of, on the bill to raise an additional military force - - - - - - 485
on the loan bill - - - - - - 896
remarks of, on the bill concerning non-importation - - - - - - - 1111
Goldsborough, Mr., remarks of, on the bill to raise an additional military force - - 472
on the loan bill - - - - - - 889
speech of, on the seamen's bill - - - 1046
Government, a bill for the support of, read twice 1020
reported with amendments, and ordered to a third reading - - - - - 1076
read a third time, and passed - - - 1080
returned from the Senate with amendments, and concurred in - - - - - - 1147
Governors of Massachusetts and Connecticut, refusal of the, to furnish their quotas of militia, &c. - - - - - - - 141
Graham, John, (of the State Department,) notes from, to Mr. Russell - - 1176, 1177
Gray, Edwin, of Virginia, appeared, and took his seat - - - - - - - 286
Great Britain, papers in relation to the pacific overtures made by this Government to - 1173, 1235
Griswold, Roger, Governor of Connecticut, correspondence of, with the Secretary of War in relation to the call for militia - 1304, 1307
Grosvenor, Thomas P., of New York, appeared, and took his seat - - - - - 928
remarks of, on an extra session - - - 1087
speech of, on foreign licenses - - - 1134
on the bill to prohibit exportation, &c. - 1157
Grundy, Mr., speech of, on merchants' bonds - 355
on the bill to raise an additional military force - - - - - - - 600
remarks of, on the bill to regulate seamen - 960
on an extra session - - 1083, 1085, 1090
on the bill to fix a day for the next meeting of Congress - - - - - - 1114, 1120

H.

Page.

Hall, Bolling, of Georgia, appeared, and took his seat - - - - - - - 139
Hamilton, Paul, Secretary of the Navy, letter from, to the Chairman of the Naval Committee, on the value of the frigate Guerriere - - - - - - - - 197
Hamilton, Mr., of the English Ministry, note from, to Mr. Russell - - - - 1188
Harper, Mr., speech of, on the Yazoo claims - 1066
Hempstead, Edward, Delegate from Missouri Territory, was qualified, &c. - - - 509
remarks of, introducing sundry resolutions 846
Highland Road Turnpike Company, Mr. Mitchill presented a petition of the, referred to a select committee - - - - - 153
report of the same, concurred in - - - 845
Hodgson, Joseph, a favorable report on the petition of, referred to the Committee of the Whole - - - - - - - - 443
the Committee of the Whole discharged, and referred to the Committee of Claims - 847
report of said committee referred to the Committee of the Whole - - - - - 852
disagreement reported, and laid on the table - - - - - - - - 1061
Hollingsworth, Levi, a letter from, to the chairman of the Committee of Commerce and Manufactures - - - - - - - 1011
Horsford, George, British Lieutenant Governor, a proclamation of - - - - - 1117
House of Representatives, members present at the meeting of the - - - - - 137
adjournment of the, *sine die* - - - 1170
Hull, Captain Isaac, Mr. Dawson submitted a resolution requesting the President, in the name of Congress, to present a gold medal to, &c. - - - - - - 140
referred to the Committee on the Naval Establishment - - - - - - - 141
reported with an amendment - - - 148
letter from, to the chairman of the Naval Committee - - - - - - - 198
(See *Brilliant Achievements.*)
Hull, Bainbridge, and others. (See as above.)
Hyneman, John M., of Pennsylvania, appeared, and took his seat - - - - - 138

I.

Illinois Territory, Mr. Bond presented a petition of sundry inhabitants of, praying for a land office in said Territory, referred to the Committee on Public Lands - - - 402
Mr. B. presented sundry resolutions relating to, referred to a committee - - - 883
report of said committee ordered to lie on the table - - - - - - - 1152
Importations, the Secretary of the Treasury reported his annual statement of - - - 617
a bill partially to suspend the act prohibiting, &c. twice read - - - - - 1064
(See *Non-importation.*)
Impressed Seamen, a Message from the President in relation to - - - - - - 864
Imprisonment of American Seamen, Mr. Bassett offered a resolution on the subject of - 349
a substitute for the above agreed to - - 355
a Message from the President, transmitting a report from the Secretary of State in reply to the resolution - - - - - - 438

House Proceedings and Debates.

Page.

Increase of Revenue, correspondence of the Committee of Ways and Means with the Secretary of the Treasury, on the subject of 1280
Indiana Territory, on motion of Mr. Jennings, a committee was appointed to ask of the President information as to purchases made for the Indians of - - - - 453
a bill to repeal the act to divide, read twice, &c. - - - - - - - - 1123
a memorial of the Legislature of, praying further time for purchasers of lands in, to complete their payments - - - - 1165
(See *Public Lands.*)
Ingraham, Nathaniel G., and others, a bill from the Senate for relief of - - - - 1123
read twice, and referred - - - - 1126
reported with amendments, read a third time, and passed as amended - - - - 1165
Invalid Pensioners, Mr. Gholson presented a bill concerning, read twice - - - - 1126
ordered to a third reading - - - - 1147
read a third time, and passed - - - 1152
returned from the Senate with amendments 1170
Iron Wire, a bill to impose a duty on the importation of, read twice, &c. - - - 772
reported without amendment, and ordered to a third reading - - - - - 958
read a third time, and passed - - - 959

J.

Jail in Alexandria, D. C., a bill making appropriations for building a, read twice, &c. - 197
Java, British frigate, a Message from the President, communicating an account of the capture and destruction of the, by the frigate Constitution - - - - - 1102
Jennings, Mr., remarks of, introducing a resolution - - - - - - - - 150
remarks of, on certain resolutions to raise mounted rangers - - - - - 648
Johnson, Richard M., appeared, and took his seat - - - - - - - - 138
speech of, introducing a resolution respecting mounted volunteers - - - 146
on the pay of the army - - - - 191
remarks of, on merchants' bonds - - 216
speech of, on the remission of fines, &c. - 218
remarks of, on the resolution to tax distilled spirits - - - - - - - - 1104
remarks of, on the day for next meeting of Congress - - - - 1114, 1120
Jones, Captain Jacob, letter from, to the Secretary of the Navy, reporting his action with, and capture of, the British sloop of war Frolic - - - - - - - - 362
(See *Brilliant Achievements.*)
Judges of Territories, on motion of Mr. Jennings, a committee was appointed to inquire into the expediency of disqualifying any of the, for holding other office than from the President and Senate - - - - - 217

K.

Kean, Edward, and Aquila Deaver, a bill for relief of, read twice, &c. - - - - - 943
Kennedy, William, of North Carolina, a new member, was qualified, and took his seat 943
Kent, Mr., speech of, on the bill to raise an additional military force - - - - - 774

Page.

Kentucky, Mr. McKee presented resolutions of the Legislature of, approving the measures of Government, &c. - - - - 480
Key, Mr., remarks of, on the bill to suspend non-importation - - - - - - - 1100
King, William R., of North Carolina, appeared, and took his seat - - - - - - 139
speech of, on the seamen's bill - - - 1000

L.

Lacock, Mr., remarks of, on the naturalization bill - - - - - - - - - 211
remarks of, on Mr. Randolph's motion, asking for a roll of persons holding office - 511
Lambert, William, on motion of Mr. McKee, the letter from the Secretary of State, with his report on the memorial of, was referred to a select committee - - - - - 310
report of said committee thereon - - - 855
Lapsley, Samuel, a bill from the Senate for relief of the heirs of - - - - - - 1124
read twice, and committed - - - - 1127
read a third time, and passed - - - - 1166
Law, Mr., speech of, on the bill to raise an additional military force - - - - - 536
Laws of the United States, on motion of Mr. Rhea, a committee was appointed to inquire into the expediency of extending the, to places where the Indian title is not extinguished, &c. - - - - - - - 852
Lead Mines, of Missouri Territory, a bill concerning the, read twice, &c. - - - - 452
Lee, Reverend Jesse, election of, as Chaplain - 141
Lee, Washington, a bill from the Senate for relief of, read twice, &c. - - - - - 947
reported without amendment - - - - 938
read a third time, and passed - - - - 1167
Letters of Marque and Reprisal, a bill concerning, read twice, &c. - - - - - 151
ordered to a third reading - - - - 154
read a third time, and passed - - - - 167
returned from the Senate with an amendment - - - - - - - - - 453
a bill from the Senate in addition to the act concerning, referred - - - - - 453
disagreement reported - - - - - 480
the House concur in disagreeing, and ask a conference - - - - - - - 844
the Senate agree to the conference - - 845
report of the Managers that the Senate recede - - - - - - - - - 861
Library, appointment of a joint committee on the 139
Licenses, a bill to prohibit the use of, from any foreign Government, read twice - - 193
(See *Foreign Licenses.*)
Little, Mr., speech of, on the pay of the army - 164
remarks of, on the organization of the army 468
on Mr. Randolph's motion asking for a roll of officers, &c. - - - - - - 510
on the Privateer pension bill - - - 853
speech of, on the Seamen's bill - - - 1033
Loan, a bill authorizing a, read twice, &c. - 847
debate on the bill in Committee - - 869
reported, and ordered to a third reading - 893
read a third time, and debated - - - 893
passage of the bill - - - - - - 907

Page.

Louisiana, on motion of Mr. McKee, the report of the Commissioners of the Eastern district of the Territory of Orleans, now, was referred to the Committee on Public Lands - - - - - - - - 201
a bill from the Senate giving further time for registering claims to land in the same district - - - - - - - - 713
read twice, and referred - - - - 772
reported with amendments, and committed 1016
ordered to a third reading as amended - 1061
read a third time, and passed as amended - 1074
returned from the Senate, which concurred with an amendment - - - - 1115
the Senate's amendment agreed to - - - 1123
the committee on Public Lands were instructed to inquire into certain claims to lands in - - - - - - - - 894
a bill from the Senate to establish certain post roads in - - - - - - 1123
read twice, and ordered to a third reading - 1126
read a third time, and passed - - - 1126
Lowndes, Mr., speech of, on merchants' bonds - 339
remarks of, on exportation in foreign bottoms 1153

M.

Macedonian and Frolic, a Message from the President transmitting copies of letters from Captains Decatur and Jones, of their respective actions with the - - - - 361
referred to the Naval Committee - - - 364
(See *Brilliant Achievements;* and also the names of those captains.)
Macon, Mr., speech of, on the pay of the Army 182
remarks of, on the exportation of provisions - 213
on the resolution respecting impressed seamen - - - - - - - - 350
on the organization of the Army - - 478
speech of, on the bill to raise an additional military force - - - - 495, 747
Madison, James, declared duly elected President of the United States - - - - - 1021
Mail, Mr. Taliaferro submitted a resolution concerning the transportation of the, by steamboats, &c. - - - - - - - - 534
amended, and agreed to - - - - - 847
on motion of Mr. Rhea, the Committee on Post Offices and Post Roads were instructed to inquire into the expediency of amending the law in relation to transportation of the - - - - - - 861
Maine, on motion of Mr. Widgery, a committee was appointed to consider the expediency of altering the times for holding the district court of - - - - - - - 959
a bill to alter the time, &c.; read twice - 994
read a third time, and passed - - - - 1011
Manufactures, Mr. Newton communicated two letters on the subject of protection to - 1011
Maryland, a Message from the President communicating an act of the General Assembly of, referred to a select committee - 804
(See *Chesapeake and Delaware Canal Company.*)
Mason's Causeway, a bill from the Senate, supplemental to the act authorizing a turnpike from, to Alexandria - - - - 1123
read twice, and referred - - - - 1127
postponed indefinitely - - - - - 1146

Page.

Maxwell, George C., of New Jersey, appeared, and took his seat - - - - - - 141
Medals and Prize Money, the Committee on Naval Affairs reported a proposition to give a gold medal to Captain Isaac Hull, silver medals to his officers, and one hundred thousand dollars to the officers and crew of the Constitution - - - - 200
(See *Hull* and *Constitution.*)
Memorandum of a communication made to Mr. Graham by Mr. Baker - - - - - 1177
Merchants, examination of a committee of - 1259
Merchants' Bonds, report of the Committee of Ways and Means on the subject of - - 198
report disagreed to in Committee of the Whole - - - - - - - - 365
Mr. Clay submitted a resolution on the subject of - - - - - - - - 304
which was rejected - - - - - - 364
(See *Fines, Forfeitures,* &c.)
Message, reference of the President's annual - 142
a confidential from the President - - - 860
Metcalf, Arunah, of New York, appeared, and took his seat - - - - - - - 138
Michigan Territory, on motion of Mr. Poindexter, a committee was appointed to inquire into the expediency of providing more effectually for the government of, &c. - - - 196
Military Discipline, a joint resolution from the Senate, authorizing the President to prescribe a system of, read twice, and referred 1147
reported with amendments, and ordered to a third reading - - - - - - 1152
read a third time, and passed as amended - 1157
Military Establishment and Militia, a bill for the support of the, read twice, &c. - - - 1100
ordered to a third reading - - - - 1143
read a third time, and passed - - - 1147
Military Land Warrants, an engrossed bill to extend the time for issuing and locating, read a third time, and passed - - - 1056
Militia, a bill supplementary to the act for arming, &c., the whole body of, read twice, and committed - - - - - - 215
reported without amendment - - - 928
ordered to a third reading - - - - 943
read a third time, and passed - - - 946
on motion of Mr. Tallmadge, the Secretary of War was directed to report a statement of expenditures under the act for arming, &c., the whole body of - - - - - 286
report of that officer, in obedience thereto - 453
Mr. Dinsmoor presented a resolution of the Legislature of New Hampshire respecting the pay of - - - - - - - - 648
the Committee of Ways and Means were instructed to inquire into the expediency of making provision for the, called into service 773
that committee discharged, and the subject referred to the Committee of Claims - 861
report of inexpediency concurred in - - - 1110
a bill from the Senate to provide for calling forth the, to execute the laws, &c. - - 805
read twice, and referred - - - - - 844
reported without amendment, read a third time, and passed - - - - - - 883

Militia—continued. Page.
on motion of Mr. Hempstead, the Committee on Public Lands were instructed to consider the expediency of giving bounty lands to the, of Mississippi Territory, &c. 1029
the President transmitted the annual statement of the - - - - - - - 1056
Milnor, James, of Pennsylvania, appeared, and took his seat - - - - - - 141
speech of, on the pay of the Army - - 161
remarks of, on the exportation of provisions 213
on the resolution respecting imprisoned seamen - - - - - - - 349
on the substitute for the same - - - 351
on his resolution respecting the increase of the Navy - - - - - - - 864
speech of, on the loan bill - - - 878, 881
on the bill concerning non-importation - 1106
Mint, on motion of Mr. Seybert, a committee was appointed to inquire into the expediency of continuing the, at Philadelphia - - 148
a bill to that effect twice read, &c. - - 149
ordered to a third reading - - - - 149
read a third time, and passed - - - 150
Mississippi Territory, on motion of Mr. Poindexter, a committee was appointed to inquire into the expediency of authorizing the people of, to form a constitution, &c. - - 145
Mr. Poindexter presented a bill to enable the people of, to form a constitution, &c.; read twice, and committed - - - 153
reported without amendment, and ordered to a third reading - - - - - 194
read a third time and passed - - - 196
Mr. P. presented sundry petitions from the Legislature of; referred - - - - 361
Mr. P. laid before the House a resolution of the Legislature of, approving the war, &c. 428
a bill from the Senate to carry into effect the report of the Commissioners for an amicable settlement of limits between Georgia and - - - - - - - - 852
(See *Yazoo Claims.*)
Mr. P. presented a petition of the Legislature of, praying a grant of a certain quantity of muskets, pistols, and swords; referred to the Secretary of War - - 866
Mr. P. presented another petition of the same, praying a grant of lands for the use of schools, &c. - - - - - - - 1061
a bill directing evidence to be received on certain claims to land in, read twice, &c. 1114
read a third time, and passed - - - 1123
a memorial of certain inhabitants of, remonstrating against any change in the government of, laid on the table - - - 1152
Missouri, on motion of Mr. Hempstead, a committee was appointed to inquire what amendments are necessary in the act to provide for the government of - - 618
report of said committee - - - - 929
a bill allowing further time for delivering evidence in support of claims to land in, read twice, &c. - - - - - - 1061
reported with amendments, and ordered to a third reading - - - - - - 1080
read a third time, and passed - - - 1082
Mitchell, John, Agent for Prisoners, note to, from Admiral Warren - - - - - 1240
further correspondence of, with the same - 1244

Page.
Mitchill, Mr., speech of, on merchants' bonds - 235
remarks of, on increasing the Navy - - 412
Monroe, James, correspondence of, with Mr. Russell - - - - - 1173, 1175, 1179
letters from, in reply to Adm'l Warren 1198, 1238
Moon, Captain Richard, of the privateer Sarah Ann, copy of a letter from - - - 1239
Morgan, James, of New Jersey, appeared, and took his seat - - - - - - - 149
Moseley, Mr., speech of, on the bill for raising an additional military force - - - - - 482
Mounted Rangers, on motion of Mr. Jennings, the Military Committee were instructed to inquire into the expediency of raising, for the protection of Indiana Territory - - 195
resolution negatived - - - - - - 773
Mr. Bond presented a petition from inhabitants of Illinois, praying for certain companies of - - - - - - - 572
referred to the Secretary of War - - 710
Mr. Jennings offered sundry resolutions in relation to - - - - - - - - 649
Mounted Riflemen, on motion of Mr. Hempstead, the Military Committee were instructed to inquire into the expediency of authorizing the President to cause to be raised ten companies of - - - - - - 968
Mounted Volunteers, on motion of Mr. Johnson, the Military Committee were instructed to inquire concerning an expedition of - 148
McKee, Samuel, of Kentucky, appeared, and took his seat - - - - - - - - 148
remarks of, on the medals proposed, &c. - 199
speech of, on the bill to increase the Navy - 410
on the resolution respecting distilled spirits 1104
McKewan, Michael, Mr. Baker presented the petition of, referred - - - - - - 480
McKim, Mr., speech of, on merchants' bonds - 305
on increasing the Navy - - - - - 412
remarks of, on the privateer pension bill - 853
on introducing his resolution respecting distilled spirits - - - - - - - 1103
on non-importation - - - - - - 1111
on exportation in foreign bottoms - - 1153
McMaster, John, a bill to authorize the release of, read twice, &c. - - - - - - 1081
indefinitely postponed - - - - - - 1124

N.

Napoleon, decree of, announcing the repeal of the Berlin and Milan decrees, &c. - - - 1249
Naturalization, a Message from the President, returning, with objections, the bill passed at last session, on the subject of, referred 141
a bill supplementary reported, read twice, and committed - - - - - - 153
reported without amendment - - - 167
recommitted to the Committee of the Whole 454
reported with amendments, and ordered to a third reading - - - - - - - 1076
and again recommitted - - - - - 1076
reported, and again ordered to a third reading - - - - - - - - 1101
read a third time, and passed - - - 1110
returned with amendments - - - - 1170
Naval Establishment, appointment of a select committee on so much of the Annual Message as relates to the - - - - - 1

Naval Establishment—continued. Page.
Mr. Milnor submitted a resolution to increase the - - - - - - - - 868
a bill for support of the, read twice, and ordered to a third reading - - - - - 676
read a third time, and passed - - - - 1147
Naval Inquiry, Mr. Cheves, from the committee on, appointed last session, reported sundry documents, which were referred to the Secretary of the Navy - - - - 1166
Navy, a letter from the Secretary of the, with a statement of expenditures, &c. - - 152
ordered that the Committee on Naval Affairs have leave to report a bill for increasing the - - - - - - - - - 197
report of said committee, read in full - - 201
a bill from the Senate of the same tenor - 393
read twice, and committed - - - - - 403
reported amended, and ordered to a third reading - - - - - - - - 441
read a third time, and debated - - - 443
passed - - - - - - - - - 449
Mr. Hall submitted a resolution of inquiry into the number of officers and men in the, &c. - - - - - - - - 617
a bill making appropriations for support of the, read twice, &c. - - - - - 676
read a third time, and passed - - - - 1147
returned from the Senate with amendments, read, and committed - - - - - 1165
amendments concurred in - - - - - 1166
a bill supplementary to the act to increase the, read twice, &c. - - - - - 1011
reported amended, and ordered to a third reading - - - - - - - - 1060
read a third time, and passed - - - 1061
returned from the Senate with amendments, and concurred in - - - - - - 1165
Navy Department, papers relating to a reorganization of the - - - - - - - 1293
Navy Pensions, a bill providing, in certain cases, read twice, &c. - - - - - - 201
ordered to a third reading - - - - - 454
read a third time, and passed - - - - 480
returned from the Senate with amendments read, and concurred in - - - - - - 844
Navy Yards, on motion of Mr. Reed, the Secretary of the Navy was directed to report at next session a statement of the number, &c., of - - - - - - - - 1166
Nelson, Mr., remarks of, on the bill to arm, &c., the militia - - - - - - - - 946
on an extra session - - - - - - 1088
on foreign licenses - - - - - - 1115
Nethinger, George, and others, a bill for relief of, read twice, &c. - - - - - - - 1016
New, Anthony, of Kentucky, appeared, and took his seat - - - - - - - - - 139
New Hampshire, a resolution of the Legislature of, ratifying the amendment of the Constitution relating to titles - - - - - 430
New Haven, Mr. Pitkin presented a petition of merchants of, referred - - - - - 148
the Committee of Commerce and Manufactures were instructed to inquire into the expediency of placing beacons and buoys in the harbors of - - - - - - - 361
Newspapers, the Clerk directed to procure, &c. - 138

Page.
Newton, Mr., remarks of, on submitttng a resolution respecting exportation of provisions 212
on concurring with the Committee of the Whole in disagreeing to the report of the Committee of Ways and Means, concerning merchants' bonds - - - - - 365
on foreign licenses - - - - 1115, 1134
New York, examination of a committee of merchants of - - - - - - - - - 1259
Non-importation, report respecting suspension of 1062
Mr. McKim presented a memorial from Baltimore remonstrating against a repeal of the acts concerning, referred - - - - 1081
a bill partially to suspend the acts concerning, read twice, &c. - - - - - - 1064
reported and debated - - - - - - 1091
ordered to a third reading - - - - - 1109
read a third time, and passed - - - - 1113
Mr. McKim presented another memorial from Baltimore - - - - - - - 1110

O.

Offences committed on board private armed vessels, on motion of Mr. Rhea the Naval Committee were instructed to inquire what amendments are necessary in the laws concerning - - - - - - 167
Officers of the United States, Mr. Randolph moved to call for a roll of - - - - 920
the President transmitted a roll of - - - 1167
Ohio, Mr. Morrow presented resolutions of the Legislature of, expressing their determination to support the Government - - - 852
Order in Council, a Message from the President, transmitting the copy of an - - - - 1116
Owners of Privateers, memorial of the, communicated to the House - - - - - 1289

P.

Pacific Advances, the President of the United States transmitted further information concerning the, made by this Government to that of Great Britain, &c. - - - - 149
Pearson, Mr., remarks of, on the organization of the Army - - - - - - - - 471
speech of, on the bill to raise an additional military force - - - - - - - 499
on the seamen's bill - - - - - - 988
Pennsylvania, the President transmitted resolutions of the Legislature of - - - - 947
Pensions, a bill regulating, to persons on board private armed vessels, read twice, &c. - 431
reported amended, and recommitted - - 854
ordered to a third reading - - - - 893
read a third time, and passed - - - - 908
Persons holding office, &c. (See *Officers of the United States.*)
Philadelphia, Mr. Seybert presented the petition of merchants of - - - - 149, 155
Piatt, Benjamin M., the petition of, complaining of the undue election of Shadrack Bond, as Delegate of Illinois Territory, referred to the Committee of Elections - 148
Pickens, Israel, of North Carolina, appeared, and took his seat - - - - - - 139
remarks of, introducing a resolution to amend the Constitution - - - - 848
speech of, on the seamen's bill - - - 1005
remarks of, on the next meeting of Congress - - - - - - - - - 1114

Page.

Pinckney, Major General, extract of a letter from to the Secretary of War - - 1239
Piper, William, of Pennsylvania, appeared, and took his seat - - - - - - - 847
Pitkin, Timothy, of Connecticut, appeared, and took his seat - - - - - - - 138
remarks of, on the pay of the Army - - 179
on the bill to raise an additional military force - - - - - - - 466, 1168
speech of, on the same - - - - - 521
remarks of, on the loan bill - - - - 885
speech of, on the same - - - - - 902
Plaster of Paris, a resolution submitted by Mr. Kent in relation to, rejected - - - 941
Pleasants, Mr., speech of, on the additional military force bill - - - - - - 498
remarks of, on the next meeting of Congress - - - - - - - - 1121
on foreign licenses - - - - - - 1142
Plymouth, North Carolina, a bill granting additional compensation to the collector of, read twice, and committed - - - 533
Poindexter, George, Delegate from Mississippi Territory, appeared, and took his seat - 141
remarks of, introducing a resolution - - 195
on the bill concerning district and territorial judges - - - - - - - - 200
Porter, Peter B., of New York, appeared, and took his seat - - - - - - - 861
Post Office Establishment, a bill in addition to the act to regulate the, read twice, &c. - 58
ordered to a third reading, read a third time, and passed - - - - - - 1080
returned from the Senate with amendments, and concurred in - - - - - - 1127
Post Offices and Post Roads, appointment of the standing committee on - - - - - 140
Post Roads, a bill authorizing the Postmaster General to establish, in certain cases, read twice, and ordered to a third reading 454
Post Routes, a bill to authorize the President of the United States to establish, in certain cases, read twice - - - - - - - 393
read a third time, and passed - - - 480
Potter, Elisha R., of Rhode Island, appeared, and took his seat - - - - - - 149
speech of, on the increase of the Navy - 444
on the Treasury note bill - - - - - 908
on the bill to suspend non-importation - 1091
on foreign licenses - - - - - - 1134
Preble, Commodore, on motion of Mr. Quincy, a committee was appointed to inquire concerning proceedings under the resolution of 1805, ordering a medal to, &c. - 403
report in reply - - - - - - - 451
referred to a select committee - - - 452
report of said committee - - - - - 1128
Pre-emption, a bill to give the right of, to certain purchasers of lands in Illinois Territory, read twice, &c. - - - - - - - 454
reported without amendment - - - - 851
read a third time, and passed - - - 855
returned from the Senate with an amendment - - - - - - - - 943
concurred in - - - - - - - - 947
Mr. Bond presented a resolution of the Legislature of Illinois Territory on the subject of, referred - - - - - - 1015

Page.

President of the United States, a joint committee announced from the Senate to wait on the, and inform him of his election - 1021
committee on the part of the House appointed - - - - - - - 1056
report of said committee that they had performed the duty - - - - - - 1061
a bill from the Senate to provide for the accommodation of the - - - - - 1170
President and Vice President of the United States, a joint resolution from the Senate relating to counting the votes for, concurred in, and joint committee appointed 1016
electoral votes for, counted - - - - 1020
Private Armed Vessels, a bill to remit the claims of the United States to certain goods, &c., captured by, read twice, and committed - 1011
reported amended, and ordered to a third reading - - - - - - - 1081
read a third time, and passed - - - 1082
Privateering, Mr. Bassett, from the Naval Committee, made a report relative to the expediency of affording greater encouragement to - - - - - - - 1056
Privateers, Mr. Mitchill presented the petition of sundry owners of, referred - - - - 144
a bill allowing a bounty to, read twice, &c. 1057
ordered to lie on the table - - - - 1166
Prize Goods, report on the petition of owners of private armed vessels in relation to - 432
referred to a Committee of the Whole - 436
Proclamation, by the British Lieutenant Governor of Bermuda - - - - - - 1117
Public Armed Vessels, on motion of Mr. McKim the Committee on Naval Affairs were instructed to inquire into the expediency of allowing to the officers and crews of, a greater portion of the value of prizes, &c. 994
Public Debt, on motion of Mr. Blackledge, the Secretary of the Treasury was directed to report a statement of the sums paid annually on account of the, &c. - - - - 863
statement from that officer, as directed - 1011
Public Lands, appointment of the standing committee of - - - - - - - 139
Mr. Jennings submitted a resolution to prolong the time of payment on - - - 150
agreed to - - - - - - - - 157
report on the several petitions praying an extension of time, &c. - - - - - 214
Mr. Morrow reported sundry resolutions in relation to the, committed - - - - 215
on motion of Mr. Hempstead certain resolutions were referred to the Committee of 863
a bill giving further time to purchasers of, read twice, &c. - - - - - - 947
ordered to a third reading - - - - 958
read a third time, and passed - - - 959
returned from the Senate with amendments, and referred - - - - - - - 1123
agreed to with amendments - - - - 1126
the Senate concur in the first, and disagree to the second - - - - - - 1152

Q.

Quincy, Josiah, of Massachusetts, appeared and took his seat - - - - - - - - 152
speech of, on the pay of the Army - - 167

Quincy, Josiah—continued. Page.
remarks of, on the imprisonment of American seamen - - - - - - - 358
speech of, on merchants' bonds - - - 381
remarks of, introducing a motion relating to Commodore Preble - - - - 402
on inquiring into the principle and practice of remitting fines, &c. - - - 428
on the Army bill - - - - 474, 476, 478
speech of, on the bill to raise an additional military force - - - - - 540
in reply to Mr. Clay - - - - - 677
remarks of, on the bill concerning captures 851
speech of, on the bill to arm, &c., the whole body of militia - - - - 943
on the seamen's bill - - - - - 1039
remarks of, on the resolution concerning distilled spirits - - - - - - 1104
on the bill to prohibit exportation in foreign vessels - - - - - - - 1163
Quorum, interchange of messages on the subject of a - - - - - - - 138
Quota of Direct Tax, Mr. Bigelow submitted a resolution on the subject of - - - 1169
ordered to lie on the table - - - - 1170

R.

Randolph, John, of Virginia, appeared and took his seat - - - - - - 149
speech of, on the pay of the Army - - 183
on Mr. Macon's resolution respecting captured seamen - - - 351, 352, 354
introductory of a resolution - - - - 510
on postponing the question of a third reading of the bill to raise an additional military force - - - - - - - 678
on the passage of said bill - - - - 781
remarks of, on the loan bill - - - 886, 888
on his resolution calling for a roll of officers, &c. - - - - - - - - - 920
on the bill to increase the salaries of the War and Navy Secretaries - - - 956
on an extra session - - - 1084, 1085, 1088
on foreign licenses - - - - - 1142
Rangers, a bill to authorize the President to raise ten additional companies of, read three times, by consent, and passed - - - 1056
Redfield, John, jr., a bill from the Senate for relief of - - - - - - - - 1016
read twice, and committed - - - - 1016
reported without amendment, and ordered to a third reading - - - - - 1079
read a third time - - - - - - 1081
Reed, William, of Massachusetts, appeared and took his seat - - - - - - 149
Refusal to furnish Militia, correspondence in relation to a - - - - - - - 1295
Remission of Forfeitures, &c., a report from the Committee of Ways and Means, with sundry documents in relation to - - - 1250
Representative Chamber, Mr. Dawson reported a bill making an appropriation for altering, &c. the, read twice, and committed - 1143
ordered to a third reading - - - - 1147
recommitted to a select committee - - 1152
said committee discharged - - - - 1152
(See *Capitol.*)
Retaliation, a committee appointed to bring in a bill vesting in the President the power of, in certain cases - - - - - - - 149

Retaliation—continued. Page.
a bill to that effect, read twice, and committed - - - - - - - - - 151
ordered to a third reading - - - - - 153
read a third time, and negatived - - - 154
a bill from the Senate vesting in the President the power of, in certain cases, read twice, and referred to the Committee of Foreign Relations - - - - - - 1080
reported with amendments, and committed to the Committee of the Whole - - - 1110
reported, and recommitted to the Committee of Foreign Relations - - - - - 1123
again reported with amendments, and committed to a Committee of the Whole - 1128
amendments agreed to, and ordered to a third reading - - - - - - - - 1144
read a third time, and passed as amended - 1145
Mr. Milnor presented the petition of sundry naturalized citizens of Philadelphia, praying the passage of such an act - - - 1109
Revenue, so much of the Message as relates to, referred to the Committee of Ways and Means - - - - - - - - - 142
(See *Increase of Revenue*, for this action.)
on motion of Mr. Randolph, the Secretary of the Treasury was directed to lay before the House a statement of, and expenditures, &c. - - - - - - - 453
report of that officer, in obedience - - - 772
Mr. Stow submitted a resolution, on the subject of - - - - - - - - - 772
Revenue Cutters, on motion of Mr. Tallman, the Committeeon Naval Affairs were instructed to inquire into the expediency of placing on the pension list officers and crews of, wounded in the service - - - - - - 1079
a bill providing pensions for disabilities incurred on board of, read twice, &c. - 1110
Revenue Laws, Mr. Quincy made a report on the subject of - - - - - - - 1144
Revere, Joseph W., a letter from, to the chairman of the Committee of Commerce and Manufactures - - - - - - - 1013
Revisal and Unfinished Business, appointment of the Standing Committee on - - - - 140
Rhea, Mr., remarks of, on a resolution relating to Territories - - - - - - - - 195
on the bill to raise an additional military force - - - - - - - 468, 477
on Mr. Randolph's motion, relative to Government officers - - - - - 510, 1026
speech of, on additional military force - 570
remarks of, on the next meeting of Congress 1088
on non-importation - - - - - - 1112
on the foreign license bill - - - - - 1134
on exportation in foreign vessels - - - 1153
Richardson, Mr., speech of, on merchants' bonds 286
Richmond, Virginia, Mr. Pleasants presented a petition of merchants of, referred - - - 152
Ridgely, Henry M., of Delaware, appeared and took his seat - - - - - - - - 144
speech of, on the bill to raise an additional military force - - - - - - - 515
on the seamen's bill - - - - - - - 1015
Roberts, Mr., speech of, on merchants' bonds 256, 267
remarks of, on captured property - - - 862
on next meeting of Congress 1084, 1114, 1121
on non-importation - - - - - - - 1111

Page.

Robertson, Thomas B., the credentials of, as a member from Louisiana, were referred to the Committee of Elections - - - 430
appeared, was qualified, and took his seat - 443
speech of, on the bill to raise an additional military force - - - - - - 702
remarks of, on the bill concerning non-importation - - - - - - - - 1111
speech of, on the bill concerning exportation in foreign vessels - - - - - - 1153
Rodgers, Commodore John, letter from, to the Secretary of the Navy - - - - - 1245
Roll of persons holding office, Mr. Randolph's resolution respecting a - - - - - 510
Rosenkrantz, Mr., letter from, to Mr. Erving - 1213, 1214
Rush, Richard, Comptroller of the Treasury, circulars from - - - - 1255, 1257
Russell, Mr., Minister to London, the President transmitted copies of his correspondence with the Secretary of State - - - - 152
the correspondence so transmitted 1181, 1185, 1186, 1189, 1199
correspondence of, with Lord Castlereagh, 1182, 1185, 1186, 1189
a note from, to Mr. Hamilton - - - - 1188

S.

Sage, Ebenezer, of New York, appeared, and took his seat - - - - - - - - 144
Salt, a bill to encourage the manufacture of, in Illinois Territory, read twice, &c. - - - 1011
Savage, William H., late agent for seamen, extract of a letter from, to the Secretary of State - - - - - - - - - - 1240
copy of a letter from, to Vice Admiral Stirling - - - - - - - - - 1241
the answer thereto - - - - - - 1242
Sawyer, Lemuel, of North Carolina, appeared, and took his seat - - - - - - 149
speech of, on the bill to increase the Navy - 404
Seamen, a bill to regulate the employment of foreign - - - - - - - - - 937
twice read, and referred - - - - - 939
reported with amendments - - - - 1015
ordered to a third reading - - - - - 1028
read a third time, and debated - - - - 1029
question on the passage decided in the affirmative - - - - - - - - 1055
returned from the Senate with amendments 1143
agreed to - - - - - - - - - 1147
Seamen and Shipping, a bill from the Senate concerning, read twice, &c. - - - - 1101
reported without amendment, and ordered to lie on the table - - - - - - 1143
Seybert, Mr., remarks of, on Mr. Dawson's resolution - - - - - - - - - 141
on the resolution respecting impressed seamen - - - - - - - 350, 352
speech of, on the bill to increase the Navy - 405
on the motion to reject the Senate's Yazoo bill - - - - - - - - - 859
on the bill to regulate seamen - - 940, 969
Shattuck, Jared, a bill for relief of, read twice, &c. 197
ordered to a third reading - - - - - 844
read a third time, and passed - - - - 849
Shaw, Samuel, of Vermont, appeared, and took his seat - - - - - - - - - 138

Page.

Sheffey, Daniel, of Virginia, appeared, and took his seat - - - - - - - - 149
remarks of, on a resolution respecting captured seamen - - - - - - - 351
speech of, on the bill to raise an additional military force - - - - - - 680
remarks of, on the Loan bill - - 872, 890
Shipping and Commerce. (See *Seamen and Shipping.*)
Sinking Fund, report of the Commissioners of the, referred to the Committee of Ways and Means - - - - - - - - 1011
the report in full - - - - - - 1277
Smilie, Mr., the death of, announced - - 479
resolutions of respect to the memory of - 480
on motion of Mr. Findley, the Speaker was requested to address a letter to the Executive of Pennsylvania, to inform him of the death of - - - - - - - - 509
Smith, John, of Virginia, appeared, and took his seat - - - - - - - - - 138
Smith, John Cotton, letter from, to the Secretary of War - - - - - - - - 1305
Springfield, Mr. Bacon presented a petition of sundry inhabitants of, employed in the public armory, complaining of their disfranchisement, &c.; referred - - - - 414
Staff of the Army. (See *Army of the United States*—bill 3.)
Standing Committees, appointment of the - 139
Stanford, Richard, of North Carolina, appeared, and took his seat - - - - - - 138
remarks of, on the bill respecting District and Territorial Judges - - - - 200
Stirling, Vice Admiral, copy of a letter from, to Mr. Savage - - - - - - - 1242
extract of a letter from the secretary of, to the same - - - - - - - 1243
Stow, Silas, of New York, appeared, and took his seat - - - - - - - - 138
speech of, on the pay of the Army - 158, 161
on the merchants' bonds - - - - 344
on the increase of the Navy - - - 426
on the additional military force - - 805
remarks of, on the privateer pension bill - 853
on the loan bill - - - - - - - 887
on the bill fixing the day for next session of Congress - - - - - - - 1087
Strong, Caleb, Governor of Massachusetts, letter from, to the Secretary of War - - 1298
Sturges, Lewis B., of Connecticut, appeared, and took his seat - - - - - - - 141
Suffrage, on motion of Mr. Bond, a committee was appointed to inquire if amendments are necessary to the act extending the right of, in Illinois Territory - - - - 968
a report that no amendment is required - 1061
Sullivan, George, of New Hampshire, appeared, and took his seat - - - - - - - 1081
Sunday, a motion by Mr. Johnson to meet on, negatived - - - - - - - - 1143
Superior Courts of Territories, on motion of Mr. Poindexter, a committee was appointed to inquire into the acts extending jurisdiction, in certain cases, to the - - - 310
Supreme Judicial Court of Massachusetts, opinion of the, in relation to the call on the Governor for militia - - - - - - 1301

T. Page.

Taggart, Samuel, of Massachusetts, appeared, and took his seat - - - - - - - 144
Taliaferro, John, of Virginia, appeared, and took his seat - - - - - - - 144
Tallmadge, Benjamin, of Connecticut, appeared, and took his seat - - - - - - 144
remarks of, on additional military force - 469
speech of, on the bill concerning the same - 631
remarks of, on the loan bill - - - - 882
speech of, on the bill to arm, &c., the militia 923
Tallman, Peleg, of Massachusetts, appeared, and took his seat - - - - - - - 847
Territories, a bill respecting the Judges and Delegates of, read twice, &c. - - - - 394
a bill authorizing additional officers in the, read twice, &c. - - - - - - 929
reported, and ordered to a third reading - 1015
read a third time - - - - - - 1017
and passed - - - - - - - 1074
Tellers, appointment of, to count Electoral votes 1017
Thompson, John, a bill for relief of, read twice, &c. 772
Timber for Ships, &c., Mr. Grundy submitted a resolution on the subject of - - - 438
Tippecanoe, the Committee of Claims were instructed to inquire into the expediency of making provision for compensating the owners of horses lost during the campaign of the - - - - - - - - 144
Tompkins & Murray, Mr. Pleasants presented the petition of; referred - - - - - 145
Tracy, Uri, of N. York, appeared, and took his seat 138
Transfer of Moneys, a report from the War Department on the - - - - - - - 144
report from the Secretary of the Navy on the 1055
Treasury Notes, a bill to authorize the issue of, read twice, &c. - - - - - - 847
reported, and ordered to a third reading - 908
read a third time, and passed - - - - 919
returned from the Senate with amendments; referred - - - - - - - 1101
agreement reported, and concurred in - 1110
Troup, Mr., remarks of, on the pay of the Army 163
speech of, on the same subject - - - 180
on the bill to raise an additional military force - - - - - - - - 475, 608
on his motion to reject the Senate bill respecting the Yazoo claims - - - - 856

U.

Updike, Daniel, a bill authorizing the discharge of, from imprisonment, read twice, and committed - - - - - - - - - 1015
reported without amendment, and ordered to a third reading - - - - - 1061
read a third time, and passed - - - - 1074
returned from the Senate with amendment 1147
concurred in - - - - - - - - 1152

V.

Vaccination, a bill to encourage, read twice, &c. 844
reported without amendment - - - - 958
ordered to a third reading - - - - 1080
read a third time, and passed - - - 1081
Vermont, on motion of Mr. Fisk, a committee was appointed to inquire into the expediency of altering the times and places of holding the circuit and district courts in the district of - - - - - - - - - 166
a bill to that effect read twice, &c. - - 215
read a third time, and passed - - - 217

Page.

Vincennes, a bill confirming certain claims to land in the district of, read twice, &c. - 617
read a third time, and passed - - - 852
Vincent, Thomas, adverse report on petition of - 1148
Virginia Military Land Warrants, a bill extending the time for locating, read twice, &c. 1020
Virginia State Line, on motion of Mr. Nelson, a committee was appointed to inquire into the propriety of assigning bounties of land to the officers, &c., of the; referred to a committee - - - - - - - - 852
report of said committee disagreed to in the Committee of the Whole - - - 958
and the report of the latter concurred in - 959
Wagons and Teams, a bill from the Senate authorizing payment for, read twice, &c. - 1165
War Department, the President transmitted copies of a correspondence between the Governors of Massachusetts and Connecticut, and the - - - - - - - - 141
the correspondence referred to - 1295 to 1310
War and Navy Departments, on motion of Mr. Johnson, the Committee of Ways and Means were instructed to inquire into the expediency of allowing to the Secretaries of the, the same compensation allowed to the other Secretaries - - - - - 533
a bill to that effect, read twice, &c. - - 677
reported without amendment, and indefinitely postponed - - - - - - 957
Warren, Admiral Sir John Borlase, letters from, to the Secretary of State - 1197, 1237
letters from, to Mr. Mitchill, agent for prisoners - - - - - - 1240, 1245
War Taxes, Mr. Little introduced a resolution instructing the Committee of Ways and Means to bring in a bill laying - - 1076
the resolution, after several amendments, was negatived - - - - - - 1078
Washington, Mr. Burwell presented the petition of a number of inhabitants of the City of, praying a charter for a new bank, referred 862
the committee discharged, and leave granted to withdraw the petition - - - 1016
Washington Turnpike Company of Maryland, a bill from the Senate to authorize the, to extend their road from Georgetown to the District line - - - - - - - - 1123
read three times, by consent, and passed - 1127
Waterhouse, Dr. Benjamin, Mr. Seaver presented a petition of, referred to the Committee on Military Affairs - - - - - 947
said committee discharged, and the petition referred to the Secretary of War - - 1029
Ways and Means, appointment of the standing committee of - - - - - - - 139
West Point, a bill from the Senate approving the report of the commissioners appointed to settle the exterior line of the public land at - - - - - - - - - - 414
read twice, and referred - - - - - 428
reported without amendment, and ordered to a third reading - - - - - 480
read a third time, and passed - - - - 509
Wheaton, Mr., remarks of, on the pay of the Army - - - - - - - - - 157
speech of, on the same - - - - - - 177
on the bill to raise an additional military force - - - - - - - - - 649

Page.

Widgery, Mr., remarks of, on the pay of the Army - 178
speech of, on merchants' bonds - 310
remarks of, on imprisoned seamen - 354
speech of, on increasing the Navy - 417
on the bill to raise an additional military force - 492, 582
Wiley, Susanna, a bill for relief of, read twice, &c. - 1020
ordered to a third reading - 1080
read a third time, and passed - 1081
returned from the Senate with an amendment, and concurred in - 1152
Williams, David R., of South Carolina, appeared, and took his seat - 138
speech of, on the pay of the Army - 155, 160, 175, 190
on the bill to remit fines, &c. - 395
to raise an additional military force - 460, 467, 470, 478, 618, 678
on the bill authorizing additional general officers - 1059
Wilson, Thomas, of Virginia, appeared, and took his seat - 138
Winn, Richard, of South Carolina, appeared, and took his seat - 149
Wise, George S., a note from, to the Secretary of the Navy, with a list of twelve seamen of the Wasp, detained on board the British ship Poictiers - 1238
Wright, Mr., remarks of, on Mr. Dawson's resolution - 141
remarks of, on the motion to reject the Senate's Yazoo bill - 889
on Mr. Randolph's resolution - 921
on the bill regulating employment of seamen 968, 1010
on the time for next meeting of Congress - 1086, 1122
on suspension of non-importation acts - 1091
on foreign licenses - 1134
on exportation in foreign vessels - 1153

Y.

Yazoo Claims, a bill from the Senate to carry into effect the report of the commissioners recommending an equitable compromise, &c., read - 856
referred to the Committee on Public Lands 860
report of said committee, committed to the Committee of the Whole - 949
Yeas and Nays, on the question of secrecy with regard to exportations of breadstuffs - 142
on the final passage of the resolution on that subject - 143
on the passage of the retaliation bill - 154
on the final passage of the Army pay bill - 193
on the final passage of the bill to enable the people of Mississippi to form a constitution 196
on considering a resolution concerning exportation of provisions - 214
on taking up the same - 216
on indefinite postponement of the bill to remit fines, &c. - 403
on postponing the bill for increase of the Navy - 437, 443
on amending the same - 440
on amending the bill for remission of fines, &c. - 442

Yeas and Nays—continued. Page.
on the third reading of the same - 442
on the amount of bounty to recruits - 471
on striking out the first section of the bill to organize the Army - 472
on striking out the second and third sections 473
on the third reading of the same - 473
on postponing the same - 479
on the final passage of the same - 481
on striking out the forty-seventh section of the bill to raise additional force - 771
on the final passage of the same - 843
on the final passage of the bill for relief of Jared Shattuck - 849
on amending the Senate bill relating to importation from ports beyond the Cape - 854
on the motion to reject the Yazoo bill - 860
on a motion respecting captured property - 863
on a motion to increase the Navy - 869
on amending the loan bill 884, 885, 889, 892
on the final passage of the same - 907
on the final passage of the Treasury note bill - 919
on indefinite postponement of Mr. Randolph's call for a roll of officers - 921
on agreeing to the same as amended - 922
on Mr. Kent's resolution concerning plaster of Paris - 941
on amending the bill to arm the militia - 942
on the final passage of the same - 946
on the rejection of the bill granting compensation to the crew of the Constitution - 955
on the salaries of the Secretaries of the War and Navy Departments - 957
on concurring with the Committee of the Whole on the subject of Virginia bounty lands - 959
on amending the bill regulating seamen, 1018, 1022, 1026
on indefinite postponement of the same - 1027
on ordering the same to a third reading - 1028
on final passage of the same - 1055
on final passage of the bill authorizing additional general officers - 1060
on rejection of the bill to remit certain fines, &c. - 1062
on granting leave to sit again on the Yazoo claims - 1073
on amending the naturalization bill - 1075
on considering Mr. Little's resolution respecting war taxes - 1076
on adopting said resolution as amended - 1078
on the final passage of the bill relating to captures, &c. - 1082
on laying on the table the resolution concerning an extra session - 1086
on the resolution itself - 1094
on amending the bill respecting non-importation - 1099, 1106
on the resolution respecting distilled spirits 1105
on the third reading of the bill respecting non-importation - 1109
on recommitting the same - 1112
on amending the bill to compensate Hull, Bainbridge, &c. - 1113
on the final passage of the same - 1115
on the final passage of the bill to alter the time for next meeting of Congress - 1122

Yeas and Nays—continued. Page.
on amending the Senate bill respecting fines, &c. - - - - - - - - 1125
on the final passage of the same - - 1126
on indefinite postponement of the foreign license bill - - - - - - - 1142
on the third reading of the same - - 1145
on the final passage of the retaliation bill - 1145
on the final passage of the foreign license bill - - - - - - - - 1150
on agreeing to the call for papers in relation to France - - - - - - - 1151

Yeas and Nays—continued. Page.
on concurring with the Committee of the Whole on the bill concerning exportation - - - - - - - - - 1163
on the final passage of the bill consenting to an act of Georgia - - - - - 1166
on the final passage of the bill to encourage the destruction of enemy's vessels - - 1168
on considering Mr. Bigelow's resolution relating to a quota of the direct tax - - - 1169

INDEX TO THE ACTS

PASSED AT THE SECOND SESSION, TWELFTH CONGRESS.

A. Page.
Additional Military Force, an act in addition to an act to raise an - - - - - - - 1322
Appropriations, an act making certain partial - 1317
Army of the United States, an act supplemental to the act for the more perfect organization of the - - - - - - - - 1318
an act the better to provide for the supplies of the, &c. - - - - - - - - 1346
an act for the better organization of the general staff of the - - - - - - - 1349

B.
Bainbridge, Captain William. (See *Constitution frigate* and *Medals.*)
Barbary Powers, an act to continue in force, for a limited time, the first section of the act further to protect the commerce and seamen of the United States against the - 1339
Bible Society of Philadelphia, an act for the relief of the - - - - - - - - - 1325
Brilliant Achievements, resolution relative to the, of Captains Hull, Decatur, Jones, and Lieutenant Elliott - - - - - 1363

C.
Cape of Good Hope, an act authorizing the admission, under certain circumstances, of vessels owned by citizens of the United States, with their cargoes, from British ports beyond the - - - - - - - 1321
Capitol, an act making an appropriation for alterations and repairs in the - - - - 1354
Certificates of Registry, an act to authorize the Secretary of the Treasury to provide new - - - - - - - - - 1348
Congress, an act to alter the time for the next meeting of - - - - - - - - 1334
Constitution frigate, an act rewarding the officers and crew of the, and the officers and crew of the Wasp - - - - - - - 1349

D.
District and Territorial Judges, an act concerning - - - - - - - - - 1315
District Court, in the respective districts of New York and Massachusetts, an act to alter the times for holding the - - - - - 1345

Page.
Documents, an act to authorize the transportation of certain, free of postage - - - 1313

E.
Enemy's Armed Vessels of War, an act to encourage the destruction of - - - - - 1346

F.
Fines, Forfeitures, and Penalties, an act authorizing the Secretary of the Treasury to remit, in certain cases - - - - - 1316
an act directing the Secretary of the Treasury to remit certain, therein mentioned - 1334

G.
General Officers, an act making provision for an additional number of - - - - 1330
General Staff. (See under *Army of the United States.*)
Georgia, an act to revive and continue in force the consent of Congress to an act of the State of, establishing certain fees - - 1351
Government, an act making appropriations for the support of - - - - - - - - 1355

H.
Hull, Decatur, Jones, and Elliott, resolution relative to the brilliant achievements of - - 1363

I.
Iron Wire, an act to impose a duty on the importation of - - - - - - - - - 1333

L.
Letters of Marque, &c., an act in addition to the act concerning - - - - - - - 1319
Loan, an act authorizing a - - - - - 1326
Louisiana, an act to establish certain post roads in - - - - - - - - - - 1336
an act giving further time for registering claims to lands in the Eastern and Western districts of the Territory of Orleans, now State of - - - - - - - 1337

M.
Maine, an act for altering the time for holding the District Court in the District of - 1362
Medals, resolution requesting the President of the United States to present, to Captain W. Bainbridge and the officers of the frigate Constitution - - - - - - 1364

Page.

Military Discipline, resolution requesting the President of the United States to cause to be prepared and laid before Congress a system of - - - - - - - - 1362
Military Establishment, an act making appropriations for the support of the, and Volunteer Militia - - - - - - - - 1353
Militia, an act making appropriation to defray the expense incurred, or to be incurred, under certain acts for a detachment from, and calling out the, &c. - - - - 1313
an act supplementary to the act to provide for calling forth the, to execute the laws - 1325
Mint, an act further to prolong the continuance of the, at Philadelphia - - - - - 1313
Missouri, an act allowing further time for delivering the evidences in support of claims to lands in the Territory of - - - 1343

N.

Navy, an act to increase the - - - - - 1315
an act supplementary to the act for increasing the - - - - - - - - 1352
an act making appropriations for the support of the - - - - - - - - 1352
Navy Pensions, an act providing, in certain cases 1317
Non-commissioned officers, musicians, and privates, &c., of the Army of the United States, an act increasing the pay of, &c. 1314

P.

Pensions to persons on board private armed ships, an act regulating - - - - - 1328
Post Office Establishment, an act in addition to an act regulating the - - - - - 1335

Page.

Post Roads. (See *Louisiana.*)
Post Routes, an act to authorize the President of the United States to establish, in certain cases - - - - - - - - 1317
Public Lands, an act giving further time to purchasers of, to complete their payments - 1342

R.

Rangers, an act to raise ten additional companies of - - - - - - - - - 1334
Retaliation, an act vesting in the President of the United States the power of - - - 1362

S.

Seamen, an act for the regulation of, &c. - - 1339

T.

Territories, an act authorizing the appointment of additional officers in the respective - 1335
Treasury Notes, an act authorizing the issuing of 1330

V.

Vaccination, an act to encourage - - - - 1336
Vincennes, an act confirming certain claims to lands in the district of - - - - - 1329

W.

Washington Turnpike Company, of Maryland, an act to authorize and empower the, to extend their turnpike to or from Georgetown, D. C., to the line thereof - - 1338
Wasp, an act rewarding the officers and crew of the, &c. - - - - - - - 1349
West Point, an act approving the report of the Commissioners appointed to ascertain the exterior line of the public land at - - 1317

Georgetown College Library

This book may be kept

FOURTEEN DAYS

A fine will be charged for each day the book is kept overtime.

GAYLORD 142			PRINTED IN U.S.A.

EISE INCHLEE CIN'TI 11-66

973 1143
Un3 1812-13
a U. S. Congress. v.2
1812-13,v.2
AUTHOR
Annals, 12th Congress, 2d
TITLE
session, 1812-1813.
DATE DUE | BORROWER'S NAME

J
11
.A5
1812-13
v.2

1143
1812-13
v.2

13

Georgetown College Library
Georgetown, Kentucky